



**Asia-Pacific  
Economic Cooperation**

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**2012/CTI/WKSP/016**  
Session 3

**Baker and McKenzie's Approach: Strategic  
Partnership with the United States Commercial  
Service and Assisting Clients in Utilizing Free Trade  
Agreements**

Submitted by: Baker and McKenzie



**Workshop on Increasing Free Trade  
Agreement Utilization by SMEs  
Tokyo, Japan  
7 August 2012**

# Baker & McKenzie's Approach: Strategic Partnership with the USCS and Assisting Clients in Utilizing FTAs

## APEC Workshop: Increasing FTA Utilization by SMEs

Tuesday 7 August 2012

Yoshiaki Muto, Managing Partner

Baker & McKenzie GJB, Tokyo



# Agenda

- Overview: Strategic Partnership of Baker & McKenzie and the US Commercial Service
- The Strategic Partnership – Roles and Missions
  - Baker & McKenzie's Roles and Missions
- Baker & McKenzie's Approach to Assist Clients Using FTAs
  - "Three Steps" to Utilizing FTAs

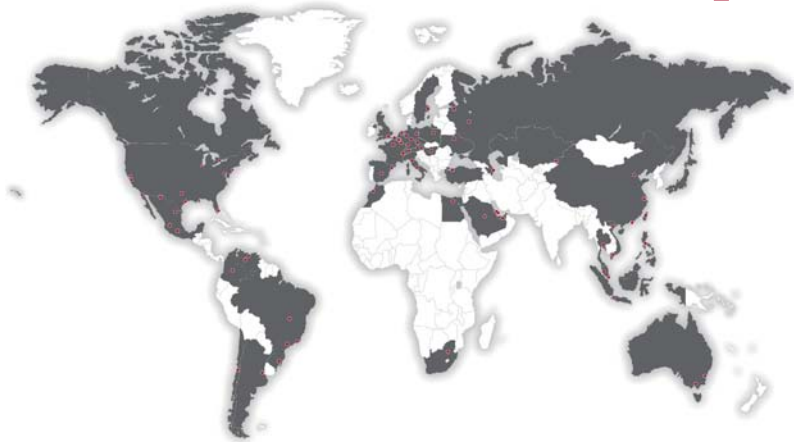
# Baker & McKenzie and the USCS

## About Baker & McKenzie

**3,800** lawyers / **1,350** partners

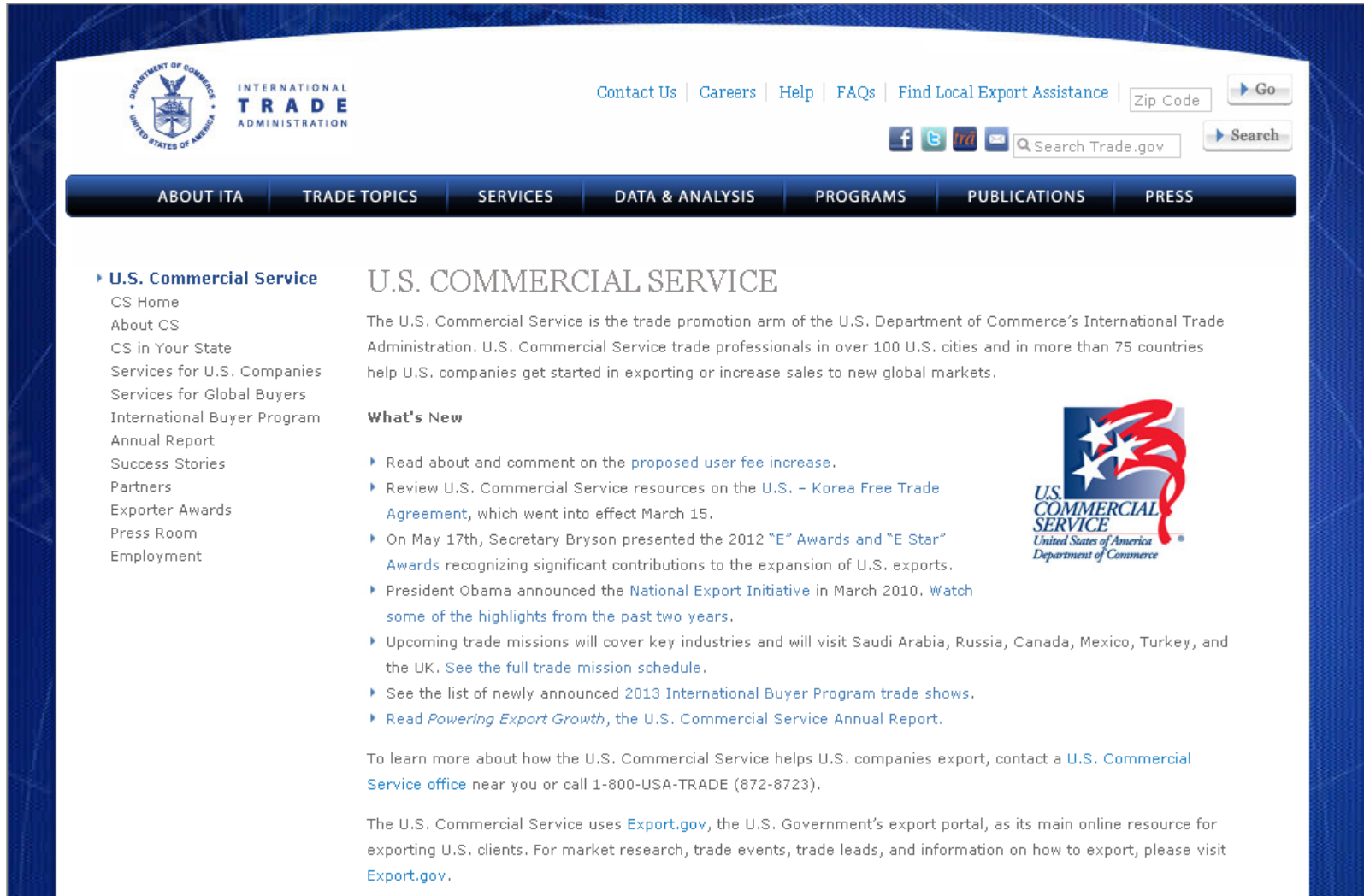
A leading multinational law firm serving global business players

**71** offices in **44** jurisdictions



Various practice groups including  
International Trade & Commerce

# The USCS



The screenshot shows the homepage of the U.S. Commercial Service website. At the top left is the logo for the International Trade Administration, part of the U.S. Department of Commerce. To the right of the logo are navigation links: Contact Us, Careers, Help, FAQs, and Find Local Export Assistance. Further right is a search bar with a 'Go' button and a 'Zip Code' field. Below these are social media icons for Facebook, Twitter, and LinkedIn, and a search bar with the text 'Search Trade.gov' and a 'Search' button. A dark blue navigation bar contains the following menu items: ABOUT ITA, TRADE TOPICS, SERVICES, DATA & ANALYSIS, PROGRAMS, PUBLICATIONS, and PRESS. The main content area is titled 'U.S. COMMERCIAL SERVICE'. On the left is a sidebar with a 'U.S. Commercial Service' header and a list of links: CS Home, About CS, CS in Your State, Services for U.S. Companies, Services for Global Buyers, International Buyer Program, Annual Report, Success Stories, Partners, Exporter Awards, Press Room, and Employment. The main text describes the U.S. Commercial Service as the trade promotion arm of the U.S. Department of Commerce's International Trade Administration, helping U.S. companies export to over 100 U.S. cities and more than 75 countries. Below this is a 'What's New' section with a list of recent news items, including a proposed user fee increase, the U.S. - Korea Free Trade Agreement, the 2012 'E' Awards and 'E Star' Awards, the National Export Initiative, trade missions to Saudi Arabia, Russia, Canada, Mexico, Turkey, and the UK, and newly announced 2013 trade shows. To the right of the 'What's New' section is the U.S. Commercial Service logo, which features a stylized American flag and the text 'U.S. COMMERCIAL SERVICE United States of America Department of Commerce'. At the bottom of the main content area, there is a paragraph about contacting a U.S. Commercial Service office and a paragraph about using Export.gov as the main online resource for exporting U.S. clients.

**U.S. Commercial Service**

- CS Home
- About CS
- CS in Your State
- Services for U.S. Companies
- Services for Global Buyers
- International Buyer Program
- Annual Report
- Success Stories
- Partners
- Exporter Awards
- Press Room
- Employment

## U.S. COMMERCIAL SERVICE


The U.S. Commercial Service is the trade promotion arm of the U.S. Department of Commerce's International Trade Administration. U.S. Commercial Service trade professionals in over 100 U.S. cities and in more than 75 countries help U.S. companies get started in exporting or increase sales to new global markets.

### What's New

- ▶ Read about and comment on the [proposed user fee increase](#).
- ▶ Review U.S. Commercial Service resources on the [U.S. - Korea Free Trade Agreement](#), which went into effect March 15.
- ▶ On May 17th, Secretary Bryson presented the 2012 "E" Awards and "E Star" Awards recognizing significant contributions to the expansion of U.S. exports.
- ▶ President Obama announced the [National Export Initiative](#) in March 2010. Watch some of the highlights from the past two years.
- ▶ Upcoming trade missions will cover key industries and will visit Saudi Arabia, Russia, Canada, Mexico, Turkey, and the UK. [See the full trade mission schedule](#).
- ▶ See the list of newly announced [2013 International Buyer Program trade shows](#).
- ▶ Read [Powering Export Growth](#), the U.S. Commercial Service Annual Report.

To learn more about how the U.S. Commercial Service helps U.S. companies export, contact a [U.S. Commercial Service office](#) near you or call 1-800-USA-TRADE (872-8723).

The U.S. Commercial Service uses [Export.gov](#), the U.S. Government's export portal, as its main online resource for exporting U.S. clients. For market research, trade events, trade leads, and information on how to export, please visit [Export.gov](#).



# Strategic Partnership with the US Commercial Service (USCS)

US government program  
started in 2007

Organized by the USCS  
(part of the US Department  
of Commerce)

USCS



Promoting the export of goods  
and services from the US

Focus on small and  
medium-sized  
enterprises (SMEs)

Strategic Partners

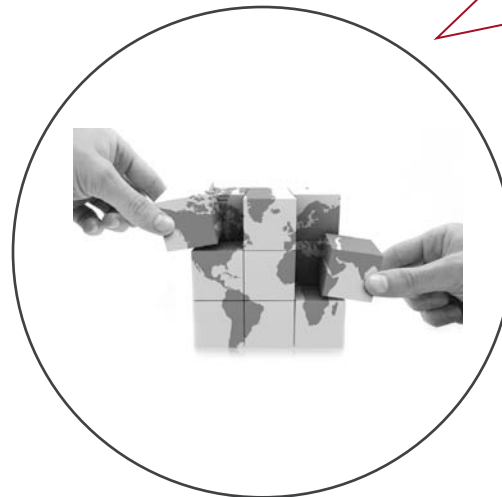


# Who are the strategic partners?

Selected and  
recognized by the  
USCS

Global corporations,  
professional service firms with  
strong int'l trade capabilities and  
track records (Google, FedEx,  
UPS, banking services, event  
organizers, etc.)

Baker & McKenzie:  
legal professional  
service firm since  
outset



# Baker & McKenzie's Tasks and Missions

- Develop educational events such as seminars/webinars, conferences and workshops
  - ✓ educate  
SMEs on what FTAs are and how to benefit from them
  - ✓ train  
SMEs on how to use FTAs
  - ✓ develop  
programs by identifying issues, setting up agendas, organizing experts and producing materials
  - ✓ follow-up  
with post-event listings on the firm's global website



# Baker & McKenzie's Tasks and Missions (cont'd)

## ➤ Participate as a referral source and a referral provider

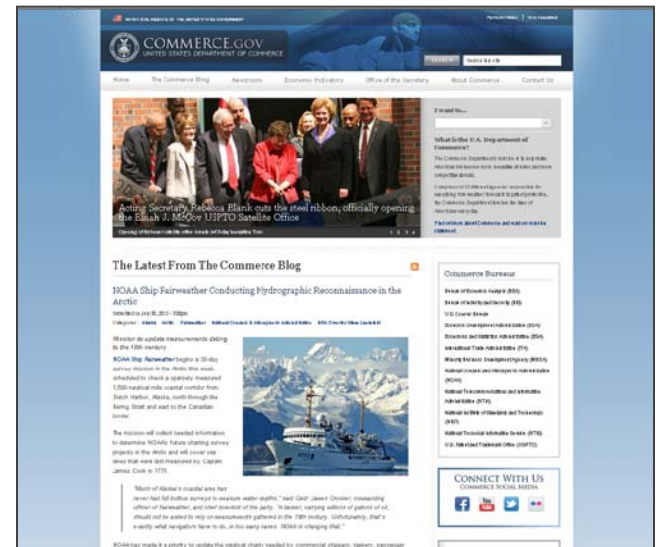
- ✓ match  
SMEs with appropriate parties (trade associations, regulatory authorities, local lawyers, etc.)
- ✓ share  
and publicize success stories from referrals
- ✓ track  
and evaluate specific relationships out of these referrals



# Baker & McKenzie's Tasks and Missions (cont'd)

## ➤ Participate as a Business Service Provider

- ✓ provide  
SMEs with legal advise and assisting on specific instances
- ✓ contribute  
to USCS events and publications (newsletters etc)
- ✓ be listed  
on the USCS website



# Other Activities

## USCS's Annual Corporate Partner Meetings

- knowledge sharing
- human networking
- specific work planning

## Advisory role for government and public service agencies

- policy making
- rule making
- action planning

## Advisory role for trade associations and overseas missions

- policy making
- action planning
- travel internationally to assist with delegation

# Other Activities (cont'd)







**4<sup>th</sup> Annual International Trade Conference**  
**Selling to Middle East & North Africa**  
 Thursday - October 22, 2009 - Cintas Center - Cincinnati, Ohio

## AGENDA

 <b>7:00am-8:00am</b>	<b>REGISTRATION, CONTINENTAL BREAKFAST &amp; NETWORK WITH EXHIBITORS</b> Conference Moderator: Mark Evans, President - MPE International LLP & SODEC Subchapter Chair Welcome Remarks: Dr. Ali Malekzadeh, Dean, Williams College of Business (WCB), Xavier University
 <b>PLENARY SESSIONS</b> <b>8:00am-8:45am</b>	<b>Middle East &amp; North Africa: Political, Economic &amp; Cultural Overview</b> Dr. Jamal Abu-Rashed, Professor & Director of the Center for International Business, Xavier University
<b>8:45am-9:10am</b>	<b>Middle East &amp; North Africa FTAs: Israel, Jordan, Bahrain, Oman, Morocco</b> Mark Mowrey, Deputy Assistant U.S. Trade Representative for Eurasia & the Middle East
<b>9:10am-9:30am</b>	<b>Market Access &amp; Compliance Considerations in the Middle East &amp; North Africa</b> Cherie Loustaunau, Director-Middle East, Market Access & Compliance (MAC), U.S. Department of Commerce
<b>9:30am-10:00am</b>	<b>NETWORK WITH EXHIBITORS</b>
 <b>10:00am-10:45am</b>	<b>Saudi Arabia: Challenges &amp; Opportunities</b> - Amer Kayani, Counselor for Commercial Affairs - Saudi Arabia & Bahrain U.S. Commercial Service, U.S. Department of Commerce - Edward Burton, President & Managing Director, U.S.-Saudi Arabia Business Council
 <b>11:00am-11:45am</b>	<b>BREAK-OUT SESSIONS</b> <b>TRACK #1 - MARKET FOCUS</b> <b>Israel, Jordan, Kuwait &amp; Qatar: Challenges &amp; Opportunities</b> - Dr. Abdul Shaikh, Director - Middle East North Africa Business Information Center U.S. Commercial Service, U.S. Department of Commerce - Cherie Loustaunau, Director-Middle East, Market Access & Compliance (MAC), U.S. Department of Commerce
 <b>LUNCHEON KEYNOTE</b> <b>12:00pm-1:30pm</b>	<b>TRACK #2- EXPORT REGULATIONS &amp; TRAVEL CONSIDERATIONS</b> <b>Work Considerations in the Middle East &amp; North Africa: Visas &amp; Immigration</b> Susan Allison Smith, Esq & Lindsay L Chichester, Esq - Dinsmore & Shohl LLP
<b>1:30pm-1:45pm</b>	<b>Middle East &amp; North Africa Corporate Perspective: Procter &amp; Gamble (P&amp;G)</b> Robert (Bob) Fregolle, Jr, Global Business Development Officer - (P&G)
<b>1:45pm-2:30pm</b>	<b>NETWORK WITH EXHIBITORS</b> <b>BREAK-OUT SESSIONS</b> <b>TRACK #1 - MARKET FOCUS</b> <b>North Africa: Algeria, Egypt, Morocco &amp; Libya: Challenges &amp; Opportunities</b> - Amer Kayani, Counselor for Commercial Affairs - Saudi Arabia & Bahrain U.S. Commercial Service, U.S. Department of Commerce (Former Senior Commercial Counselor for Egypt, Libya & Lebanon) - Dr. Abdul Shaikh, Director - Middle East North Africa Business Information Center U.S. Commercial Service, U.S. Department of Commerce (Algeria/Morocco)
 <b>PLENARY SESSION</b> <b>2:45pm-3:25pm</b>	<b>TRACK #2- EXPORT REGULATIONS &amp; TRAVEL CONSIDERATIONS</b> <b>U.S. Export Compliance in the Middle East &amp; North Africa</b> Richard M. Gref, CICE, Managing Director - Export Credit Consulting LLC
<b>3:30pm-4:45pm</b>	<b>United Arab Emirates (UAE): Challenges &amp; Opportunities</b> Christian Reed, Regional Director - Africa, Near East & South Asia (Former Senior Commercial Counselor for UAE) U.S. Commercial Service, U.S. Department of Commerce
 <b>AFTERNOON PANEL</b> <b>3:30pm-4:45pm</b>	<b>Corporate Considerations in the Middle East &amp; North Africa</b> Moderator: Ambassador Tom McDonald, Equity Partner - Baker & Hostetler LLP <b>LEGAL:</b> Ambassador Tom McDonald, Equity Partner - Baker & Hostetler LLP <b>LOGISTICS:</b> Sam Riskin, Director of Sales for Middle East & Africa - FedEx <b>FINANCE:</b> Export Import Bank of the United States (Ex-Im Bank) <b>BUSINESS PERSPECTIVE:</b> Ramsey Bader, International Market Manager-Edgetech IG, Inc.
<b>4:45pm-5:00pm</b>	<b>CONCLUDING REMARKS &amp; RAFFLE- MUST BE PRESENT TO WIN</b>

How Baker & McKenzie  
assists clients  
using FTAs

# "Three Steps" to Utilizing FTAs

1. Conduct a feasibility study
2. Develop an action plan
3. Execute the plan



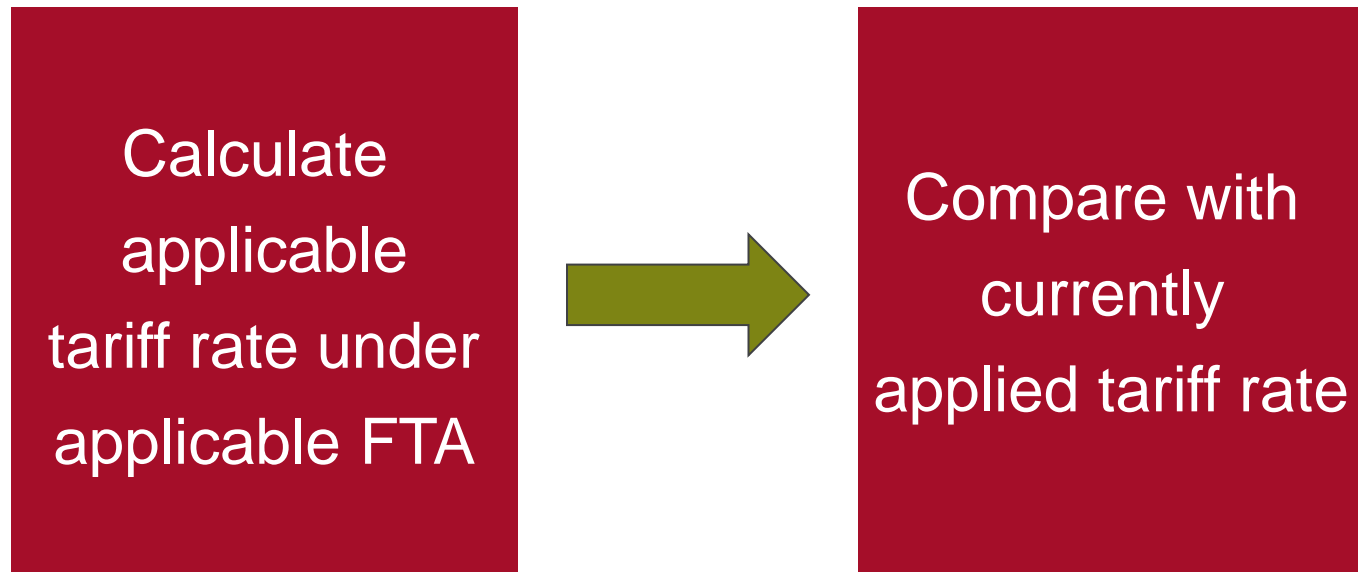


# Step One: Feasibility Study

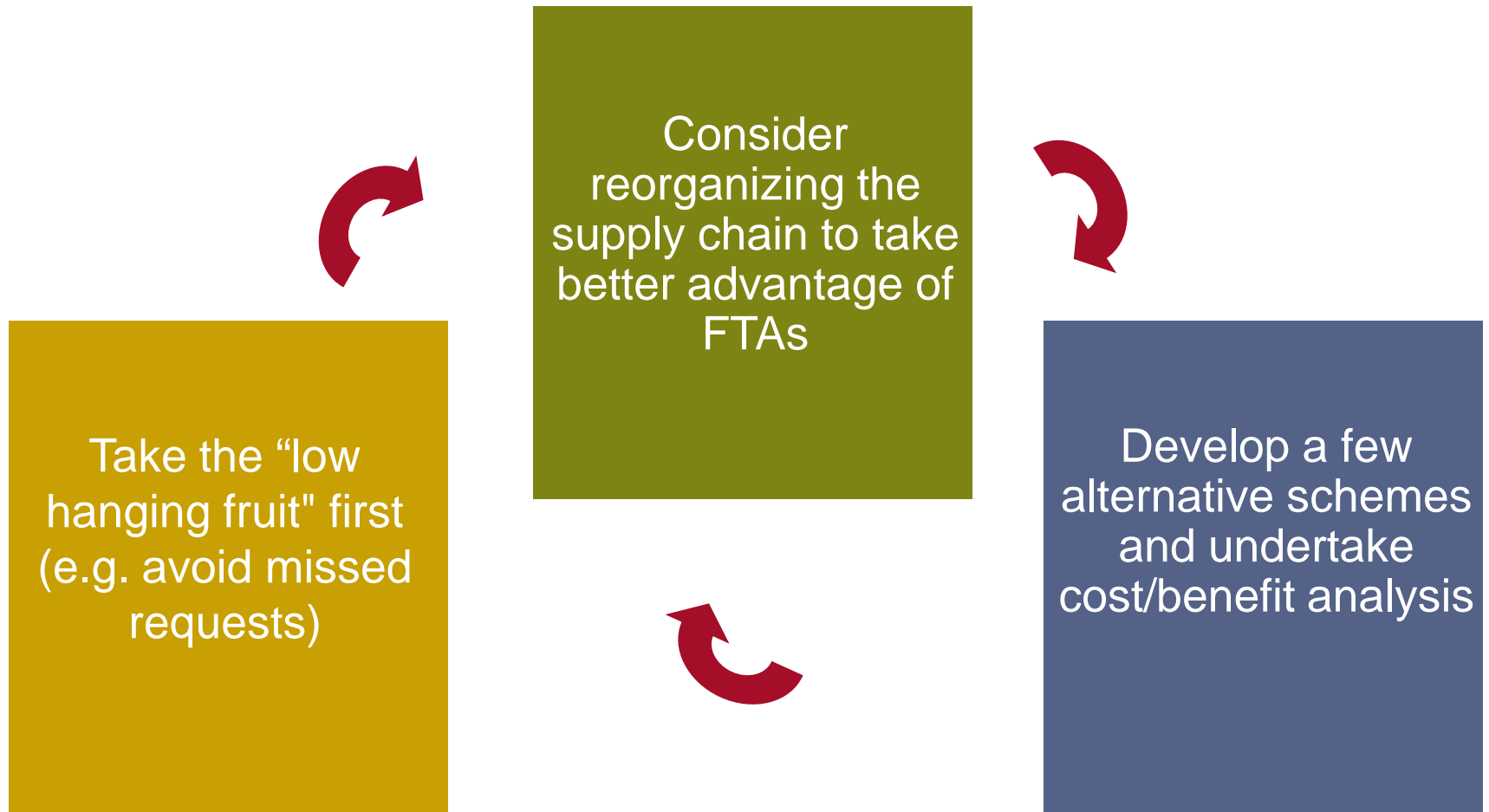
- Understand current status of business flow
  - what goods flow from which country to which country through what channel
- Identify whether/which FTAs are applicable
- Determine whether the Certificate of Origin can be obtained and how



## Step One: Feasibility Study (cont'd)



## Step Two: Develop an Action Plan



## Step Three: Execution of the Plan

- Pre-filing consultation with Customs Offices in relevant countries
- Obtain the Certificate of Origin
- File for an FTA application
- Check-up - After clearance, regularly monitor and review:
  - Are FTA benefits enjoyed?
  - Are FTA conditions complied with?



Conclusion

# Conclusion

1. Global law firms are able and willing to work with authorities and SMEs to utilize FTAs and facilitate international trade
2. Strategic approaches, adopted by multinational giants, provide useful tools for SMEs
3. Keys to success: Continuity and consistency



# Baker & McKenzie's Global Trade Team

## Global Leaders:



**Lothar Determann**  
(Palo Alto)



**John McKenzie**  
(San Francisco)



**Nicholas Coward**  
(Washington, D.C.)

## Tokyo Members:



**Yoshiaki Muto**  
(Managing Partner)



**Edwin Whatley**  
(Tax)



**Junko Suetomi**  
(Trade & Commerce)

Assisted by our  
International  
Trade &  
Commerce  
Practice Group  
(432 practitioners  
across our  
71 offices)





# Thank you

Yoshiaki Muto  
Managing Partner  
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<http://www.taalo-bakernet.com/>