

INTERNATIONAL BUSINESS

Better Work

Companies line up to support innovative program to raise global standards

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Peter M. Robinson, President and CEO, USCIB

Smart policies, and openness to trade and new ideas, are needed to maintain America's technological dynamism.

Now More Than Ever: Competitiveness and Innovation Matter

Smart, effective policies to promote American competitiveness will be critical as we emerge from the global economic downturn. Innovation powers our economy and is essential to tackle global challenges such as climate change. In a recent survey, 78 percent of Americans said they believe innovation will be more important to the U.S. economy over the coming three decades than it was in the last three. Yet in many ways our own policies, and those of other countries, undercut our competitiveness.

American innovation is under fire from well-known threats like counterfeiting and piracy. It is also harmed by misguided attempts to avoid “shipping jobs overseas.” Take the tax code: the Obama administration’s proposal to curtail deferral of taxes on overseas income could force U.S. companies into inefficient operating structures that perversely reduce their overall employment, or even drive some to reincorporate elsewhere. Or take our “Buy American” rules, which are readily emulated by other countries, to the detriment of our exports and overall employment.

Innovation, like trade, is a two-way street: nations gain from free exchange and mutual openness to new ideas. To cite a success story, look to the Internet. The maintenance of sound Internet-related policies by many governments has created an environment that enables remarkable innovation and economic development — with tremendous benefits to America’s communications and information technology industries as well as our overall competitiveness. It will be important to maintain this sensible approach in the years ahead.

Nowhere is the need for openness and innovation more evident than in the fight against global warming. Yet in the ongoing UN climate talks, many countries are recommending policies that would inhibit, rather than promote, the availability of critical technology to address global warming, for example through the abrogation of intellectual property rights or the maintenance of high barriers to trade in environmental goods and services. This is not good for U.S. exports, and it is certainly not good for the climate.

What is USCIB doing to secure appropriate policies in these areas? Plenty. Our Taxation Committee works closely with the Executive Branch, Capitol Hill and international bodies like the OECD to promote approaches that support the dynamism of globally engaged companies. In addition, the United States Council Foundation is once again working with the Business Roundtable to sponsor an updated version of Dartmouth Professor **Matthew Slaughter’s** influential study, published earlier this year, demonstrating the sizeable *domestic* returns — in terms of employment and R&D here at home — of overseas operations by U.S. multinationals.

Throughout 2009, USCIB President and CEO Peter Robinson has devoted this space to discussing the increased importance of USCIB’s core values, principles and priorities.

USCIB is working closely with the International Chamber of Commerce to promote recognition of the Internet’s power to support economic and social progress. With ICC, we are also rallying governments and the private sector around the world in support of stepped-up efforts to confront counterfeiting and piracy. And together, we are making the case for a wise approach to global climate change that unleashes the power of technology to help deal with, and eventually solve, this growing challenge.

We need to take a broader view of American competitiveness, which is strongly tied to the overall health of the global economy. The degree to which our country is open to trade, investment and technological innovation will hugely influence our competitiveness for years to come.

Contact Peter Robinson at (212) 703-5046 or probinson@uscib.org.

G20 Makes Progress, But Promises on Trade Ring Hollow

While there was much to applaud in the communiqué from September's G20 summit in Pittsburgh — leaders pledged to revive global trade, reject protectionism, boost trade finance, and refrain from imposing new barriers to trade and investment — past experience indicates that the proof will be in the pudding.

Business reaction was positive but guarded. The International Chamber of Commerce welcomed the decision to make the G20 the primary forum for international economic cooperation. With member countries representing 90 percent of global gross national product, the G20 reflects the new distribution of economic power in today's world.

On the fundamental issue of the Doha Round of trade negotiations, however, ICC expressed disappointment that G20 leaders did no more than repeat their previous incantations calling for an "ambitious and balanced conclusion." Given the progress that has already been made, ICC said it had hoped for an earlier target for the conclusion of the talks than the end of 2010.

G20 leaders have a lot to answer for on the trade front. Following their pledge in November 2008 to refrain from imposing new protectionist measures, over 120 such provisions have been introduced, according to the UK-based Center for Economic Policy Research. Russia, India, Indonesia and Germany have been the worst offenders, it says.

Despite the seemingly empty promises on trade, the summit overall took numerous steps in the right direction. These include the commitment to carefully plan and coordinate an exit strategy from the massive stimulus packages in the interest of fiscal responsibility. This last point is essential if the world is to avoid growing inflation and runaway public-sector deficits.

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IOE President: Unemployment still a Big Concern

Despite signs of "green shoots" in the global economy, most companies are still hunkered down, and additional stimulus spending may be required, according to the president of the International Organization of Employers, **Wiseman Nkuhlu** of South Africa.

"Now, one year on from the start of the crisis, there are positive signs of a return to growth," stated Prof. Nkuhlu in a September open letter to G20 leaders. "However, there is a danger of prematurely declaring the patient better."

The IOE head said that recent promising gains had largely been driven by public spending, while the private sector was still struggling in most countries. "Recent increased activity primarily consisting of inventory rebuilding, rather than strong private consumption and investment," he stated. "Current growth projections will not be enough to significantly reduce unemployment."

USCIB and its global business network are actively engaged in efforts to get world economic growth back on track. We have made the business case directly to G20 leaders and other important intergovernmental forums using a variety of channels.

Our unique affiliations with leading worldwide business groups — including the International Chamber of Commerce, the International Organization of Employers, and the Business and Industry Advisory Committee to the OECD — provide an invaluable channel through which to influence the course of global policies and regulations affecting business and the economy.

An overview of recent statements and actions on the G20 summits and the ongoing economic recovery, from USCIB and our global network, can be found on our website at www.uscib.org/index.asp?documentID=3927.



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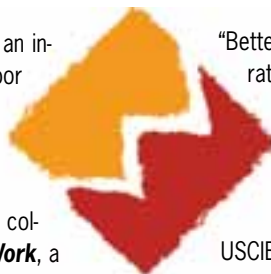
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Companies Join Together to Support “Better Work” Program

Five of the biggest U.S. companies are backing an international program to improve compliance with labor standards and competitiveness in the factories where some of their products are made.

The five companies — Gap Inc., Levi Strauss & Co., Nike, Walmart and The Walt Disney Company — will collectively contribute more than \$1 million to **Better Work**, a unique joint program of the International Labor Organization and the International Finance Corporation, the private-sector lending arm of the World Bank. These contributions will support the development of assessment and training tools that will have direct impacts in supplier factories.

Better Work brings together governments, employers' and workers' organizations, and global companies to address working conditions in supplier factories. The program assesses compliance with international labor standards and national labor law, makes reports available online and provides targeted remedial training to improve labor standards compliance and competitiveness of the factory.



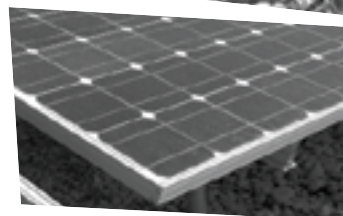
BETTER WORK

“Better Work is a perfect example of a public-private collaboration with measurable benefits,” stated USCIB President and CEO **Peter M. Robinson** in announcing the decision in November. “By bringing all stakeholders together in a collaborative approach, Better Work is helping to create sustainable change.”

USCIB represents American business interests in the ILO, where it is the U.S. employer constituent, serves on the ILO Governing Body and leads the U.S. employer delegation to the ILO's annual International Labor Conference. Most of the company contributions to Better Work will be administered by the United States Council Foundation.

The Better Work program has been quite successful in applying an evidence-based approach to monitoring and improving working conditions in developing countries. The Better Factories Cambodia project, predecessor to Better Work, has resulted in high levels of compliance and improvements that have been sustained despite a fall-off in exports.

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Business Leaders Warn Against Demise of Internet Governance Forum

At the conclusion of December's meeting of the Internet Governance Forum (IGF) in Sharm el-Sheikh, Egypt, business leaders issued a stark warning that the demise of the UN-linked IGF could impede the ability of the Internet to drive economic growth and improve societal benefits.

The warning came from **Herbert Heitmann**, chief communications officer with SAP and chair of the International Chamber of Commerce's Commission on E-Business, IT and Telecommunications, ahead of next year's five-year review of the IGF. The forum was set up as an open platform for businesses, governments, civil society and technical experts to discuss Internet policy issues such as privacy, security and access costs.

"The lack of multi-stakeholder involvement has often led to ill-informed decision-making, resistance in society and suspicions among the different players," said Mr. Heitmann. "The Internet Governance Forum, as we know it today has fortunately prevented these shortfalls so far. It has helped to make the Internet a universally applauded, appreciated and heavily utilized medium globally. Business wants the IGF to be continued and strongly opposes changes to its founding principles."

The IGF is the only forum where all entities — including business, governments, civil society and the technical community — can discuss the future of the Internet on an equal footing. This establishes an environment of open exchange, critical to informed policy-making that takes the views of all Internet users into consideration.

"By bringing together different stakeholder sectors, the IGF provides an appropriate, effective forum for addressing Internet governance issues," according to **Dorothy Attwood**, senior vice president of public policy and chief privacy officer at AT&T. "The IGF has an important role in the future of the Internet."

The creation of regional and national IGF events and initiatives is also testament to the forum's success at stimulating pro-competitive policy, while enabling the free flow of information, data protection, and security, added **Art Reilly**, senior director of strategic technology policy at Cisco Systems and chair of USCIB's Information, Communications and Technology Committee.

"This one-of-a-kind environment of multi-stakeholder exchange helps us to find new understandings, common interests and opportunities," he said. "Because our focus has been on substantively exchanging experiences and views instead of negotiating text, our time here has been put to good and practical use that can inform participant's actions in the aftermath of the IGF." ■

New ICANN Agreement Welcomed

USCIB applauded October's announcement by the U.S. Department of Commerce and the Internet Corporation for Assigned Names and Numbers (ICANN) to institutionalize and affirm ICANN's responsibilities as a multi-stakeholder, private sector-led organization to coordinate the Internet's global domain name and addressing system.

The agreement marks a new period in the technical management of the domain name system (DNS) following the expiration of a Joint Project Agreement between the two parties on September 30.

"USCIB commends ICANN and the U.S. Department of Commerce on the commitments laid forth," stated **Art Reilly** (Cisco Systems), chair of USCIB's Information, Communications and Technology Policy Committee. "It is important to preserve the security and stability of the system, and ensure that decisions are made in the global public interest, transparently and with sufficient accountability. So is facilitating worldwide participation through International Domain Names."

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Gala and UN Lunch Celebrate ICC



New Orleans jazz combo leading guests from the reception to dinner in the Waldorf-Astoria's Empire Ballroom

In October, at USCIB's 2009 Annual Dinner, members and friends commemorated the 90th anniversary of the International Chamber of Commerce. The event, part of a yearlong series of events worldwide marking this important milestone for the world business organization, which is USCIB's oldest overseas affiliate, was held at the Waldorf-Astoria in New York.



ICC Chairman Victor Fung: "We must resist protectionism and narrow economic nationalism, while further strengthening the multilateral trading system."

ICC was represented by Chairman **Victor Fung** (Chairman, Li & Fung Group) and members of ICC's Executive Board. Following a festive reception featuring appetizers from around the world in a "hall of flags" atmosphere, the informative dinner program included keynote remarks by U.S. Commerce Secretary **Gary Locke**, and featured speaker **Christiane Amanpour**, senior international correspondent with CNN.



Commerce Secretary Gary Locke addressed the dinner, calling for action to revamp U.S. business visa and export control policies.



CNN Senior International Correspondent Christiane Amanpour described lessons learned from a career reporting from zones of conflict.

ICC's anniversary was also marked with a lunch at the United Nations and a two-day, high-level workshop at Harvard Business School on the future of market capitalism. For more on the ICC anniversary celebrations around the world, visit www.icc90anniversary.org.

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Congratulations to the **International Chamber of Commerce** on 90 years of advocating for international business and a prosperous global economy.



LI & FUNG

and Carnet Anniversaries

The gala also marked the 40th anniversary of the ATA Carnet system for temporary exports in the United States. Developed by ICC in cooperation with the World Customs Organization, ATA Carnets are an invaluable tool for exporters and others doing business abroad. ■

Remarks by Secretary Gary Locke and ICC Chairman Victor Fung, plus photos from the USCIB Annual Dinner and ICC Lunch at the United Nations, at www.uscibgala.com!



ICC Secretary General Jean Rozwadowski, USCIB Chairman William Parrett, Secretary of Commerce Gary Locke.



L-R: Doug Browning (Sandler, Travis & Rosenberg), Cynthia Duncan (USCIB), Bruce Wilson (Corporation for International Business), Lee Sandler (Sandler, Travis & Rosenberg)



At the UN lunch in honor of ICC's anniversary, L-R: ICC Secretary General Jean Rozwadowski, UN Under Secretary General Joseph Reed, ICC Honorary Chairman Marcus Wallenberg, ICC Permanent Representative Louise Kantrow, ICC Vice Chairman Rajat Gupta, UN Secretary General Ban Ki-moon, ICC Chairman Victor Fung, USCIB Chairman William Parrett, USCIB President & CEO Peter Robinson

"Over these nine decades, the International Chamber of Commerce has worked tirelessly to bring people together. You have achieved concrete results: establishing global rules for global markets, raising the productive potential of the least developed countries by helping to create a vibrant private sector, and encouraging the dissemination of technology and know-how to those who need it most."

— UN Secretary General Ban Ki-moon

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Outlook Still Shaky for Trade Finance

Despite budding signs of recovery, the global economy is still on shaky ground, according to an ICC report on trade finance. The report says that increased capital costs continue to constrain trade finance volumes, particularly in developing countries. It also recommends further enlargement of multilateral trade facilitation programs to expand capacity and coverage.

Intellectual Property Guidelines in China Launched

ICC's Business Action to Stop Counterfeiting and Piracy (BASCAP) initiative launched guidelines to help Chinese businesses manage copyright and branded materials, and deter trade in counterfeit and pirate goods. BASCAP's *Intellectual Property Guidelines for Business* were released in Chinese to provide information to businesses on practical steps that they can take to protect their own innovation and creativity in IP-based products and services, as well as to protect against the risk of using counterfeit materials or infringing other companies' IP rights.

Maritime Attacks Skyrocket

Pirate attacks worldwide have surpassed the total for all of 2008, according to the latest quarterly piracy report from ICC's International Maritime Bureau. The report also revealed that the total number of incidents in which guns were used had risen by more than 200 percent, compared to the corresponding period in 2008.

Vietnam Urged to Adopt ATA Carnet System

ICC urged implementation of the ATA Carnet system to permit temporary imports in Vietnam, calling it indispensable to help the country's businesses export and participate in overseas trade fairs and exhibitions. ICC also said adopting "merchandise passports" would help Vietnam speed up its regional integration and create a more conducive business environment.

Putting Information Technology to Work for Development

In Monterrey, Mexico, an ICC delegation conveyed global business priorities before the UN's Global Alliance for ICT and Development, which brings together governments, business and civil society to promote policy dialogue and forge partnerships for the use of information and communication technologies. These play an important role in stimulating economic growth and development around the world. ■



**Business and Industry Advisory
Committee to the OECD**

www.biac.org

OECD Appoints New Deputy Secretary General

Ambassador **Richard A. Boucher**, a longtime American diplomat who served as the State Department's assistant secretary for public affairs, as well as assistant secretary South and Central Asia, has been named deputy secretary general of the Organization for Economic Cooperation and Development. USCIB President **Peter Robinson** met with Ambassador Boucher in October to brief him on American business engagement and priorities in the 30-nation OECD.

OECD Labor Ministerial

Despite stimulus spending, the credit crunch continues to hamper job creation, business told OECD labor ministers in a meeting in Paris. Long-term recovery of job creation will not only be achieved through continued subsidies, income support or public sector job creation but through sustainable job creation. ■



**International Organization
of Employers**

www.ioe-emp.org

Promoting Women's Entrepreneurship

At a Cairo forum, USCIB Executive Vice President **Ronnie Goldberg**, speaking on behalf of the IOE, provided employers' perspectives on the women's entrepreneurship development. She said countries that do not capitalize on women's full potential compromise their ability to compete in the global economy. "We need to encourage our governments to listen to the voices of women entrepreneurs, and to mainstream and incorporate a women's entrepreneurial dimension in the formation of all entrepreneurship and SME-related policies," Ms. Goldberg stated. ■

Taxation Update

USCIB's Taxation Committee remains one of our most active, as members seek to stay on top of evolving international tax rules, defending the interests of global companies in ongoing tax debates in Washington and internationally, through vigilant high level involvement with the OECD.

Chaired by **Michael Reilly**, vice president for tax with Johnson & Johnson, with strong support from Vice Chair **Bill Sample**, corporate vice president for worldwide tax at Microsoft Corporation, and **Lynda Walker**, USCIB's vice president and international tax counsel, USCIB's Tax Committee seeks to build international business consensus – and thereby enhance U.S. competitiveness – by promoting economically sound taxation policies.

The committee also strives to prevent and eliminate government policies and practices that result in double taxation, while presenting the views of USCIB members directly to U.S. and international policy makers utilizing our extensive global network (ICC, IOE and especially BIAC).

"These exclusive affiliations provide companies with early input and active participation in the policy process," according to Ms. Walker.

An array of active subcommittees and working groups follow issues related to transfer pricing, tax treaties, inbound investment, U.S. legislative and administrative developments, and a number of other important topics. The depth of USCIB members' collective experience has proved advantageous, whether engaging with Congress and the Obama Administration or dealing with proposals outside our borders aimed at the taxation of multinational business.

A highlight of the committee's active work program has been, last June, holding the latest in a highly regarded series of conferences in Washington, D.C. to examine the influential role of the OECD in global tax policies. Speakers included OECD Secretary General **Angel Gurría**, House Ways and Means Committee Chairman **Charles Rangel** (D. – N.Y.), IRS Commission-

er **Douglas Shulman**, and **Jeffrey Owens**, director of the OECD's Center for Tax Policy Administration.

"More and more, executives and tax planners are coming to recognize the scope of the OECD's work, and the importance of an informed, ongoing dialogue with the OECD secretariat and its member states," said Ms. Walker. "This year's event provided high-level access to key OECD representatives and influential U.S. policy makers."

On the overall value of the Tax Committee's work, Ms. Walker put it plainly: "It's of bottom-line importance. In the current environment, global companies simply cannot afford to take lightly developments in the international tax policy arena." ■

*An in-depth overview of USCIB's recent work on international taxation is available on our website at www.uscib.org/docs/tax_overview.pdf. To get involved, contact Program Assistant **Erin Breitenbucher** in our Washington, DC office at 202.682.7465 or ebreitenbucher@uscib-dc.org.*

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Better Work has expanded services to several other developing countries, where it has already benefited 1.2 million workers and their families by improving working conditions and compliance with labor standards and wage and hour laws. More country programs are planned over the next five years, expanding the scope of Better Work's collaborative approach to even more factories.

However, this may not happen without additional backing from the private sector, according to Mr. Robinson. "More support is needed if the program is to have maximum effect," he said. "We call on other companies to join with us in financially supporting this great initiative." ■

*More information on the Better Work program is available at www.betterwork.org. To learn how your company can support the program, contact **Adam Greene**, USCIB's vice president for labor affairs and corporate responsibility (agreene@uscib.org).*

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Climate: Efforts to Secure Global Participation Welcomed

As nations prepared to gather in Copenhagen for December's crucial global climate talks, USCIB said the Obama administration's efforts has put an ambitious and workable agreement within reach. In a letter to **President Obama**, USCIB President and CEO **Peter Robinson** said the organization believed the administration's work on several key issues over the preceding year had "made a difference."

Mr. Robinson wrote: "The innovative and collaborative approaches of the United States have been instrumental in progress made" since the 2007 climate conference in Bali, which set the stage for the final push toward a post-2012 global framework on climate change.

The letter said U.S. leadership had moved the UN climate talks forward in areas that are central to U.S. business objectives. These include obtaining an inclusive global agreement with action by all major emitting nations, support for intellectual property rights to speed the development of new technologies, and "robust and ambitious national strategies" to address global warming.

USCIB's global affiliate, the International Chamber of Commerce (ICC), once again coordinated business and industry representation, and Mr. Robinson led a delegation of USCIB members attending the conference.

In its letter to President Obama, USCIB identified financing as a critical element in the negotiations. "From a business perspective, the available funding mechanisms relevant to climate change have been slow, narrow in scope and difficult to access," the letter stated. Separately, USCIB offered concrete suggestions to Treasury Secretary **Timothy Geithner** on how public funding options could be shaped to increase their effectiveness, and to create synergies with private finance.

"In many cases, the most effective use of public finance will be to leverage and enable action by the private sector," stated **Ann Condon**, director of environmental health and safety with General Electric and chair of USCIB's Environment Committee. "It should also seek to lower some of the risks associated with business activities and investments, particularly in developing countries or in connection with new technologies."

Mr. Robinson's letter also said that post-Copenhagen negotiations "should engage business as much as possible, and far more than in the past." USCIB said it hopes to see the creation of more effective ways for UN negotiators to benefit from American business expertise "through opportunities to collaboratively define mitigation and adaptation to climate change, and effective policies to promote them." ■

Note: December's UN climate summit in Copenhagen took place after this issue of International Business went to press — look for a review of developments in our next issue.

Optimism Over Low-Carbon Transition

The vast majority of experts polled in a world-wide survey believe the transition to a low-carbon economy will bring about new opportunities for many businesses in their country, and think clear and transparent guidelines would help companies innovate and invest in technologies designed to meet the challenges of climate change.

The October survey of more than 1,000 business executives, economists and other experts in 86 countries was part of the quarterly ICC-Ifo Institute World Economic Survey.

Asked whether the transition to a low carbon economy will bring new opportunities to businesses in addition to cost reductions, 78 percent of respondents in Western Europe either agreed strongly or agreed with the statement. The figures for the other regions were: Asia (71%), South Africa (69%), Near East (68%), Central and Eastern Europe (66%), Commonwealth of Independent States (64%), North America (63%), Central and Latin America (62%), and Oceania (60%).

A second question asked whether respondents believe that transparent guidelines would help businesses in their country innovate and invest in environmentally-friendly technologies to meet the challenges of climate change. The response was overwhelmingly positive in all regions of the world.

"Although the spread of non-polluting products and services will bring new economic opportunities all over the world, there are still significant obstacles to innovation because of lack of legislative and regulatory guidelines," the report noted.

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USCIB's Carnet Service Reaches Out to Smaller Exporters

Building on four decades of U.S. growth, the Carnet service is broadening awareness and use among smaller companies of "merchandise passports," which enable exporters and global companies to avoid paying duties and taxes on goods taken abroad temporarily for trade shows, product demonstrations and as professional equipment.

The Carnet system celebrated its 40th anniversary in the United States in 2009. According to **Cynthia Duncan**, USCIB's senior vice president for Carnet operations, the goal in the current small-business push is to help create jobs by getting exports growing again. "Trade is essential for our economy to prosper, and ATA Carnets can make it easier for smaller companies to make inroads into overseas markets," she observed.

Addressing USCIB's October 8 Annual Dinner, U.S. Commerce Secretary **Gary Locke** extolled the virtues of the Carnet program, saying it fit closely with the Obama administration's goal of creating a whole new generation of U.S. exporters.

"Right now, U.S. companies aren't anywhere near maximizing their export potential," Mr. Locke said. "Ninety-seven percent of U.S. exporters are small-

and medium-size businesses, but they only account for 30 percent of export value. Meanwhile, of all the American businesses that export, 58 percent export to only one country. We can do a lot better. We're looking forward to working with the Council to help educate U.S. companies about the ATA Carnet system."

In September, building on an agreement signed earlier this year with the U.S. Department of Commerce, **Amanda Barlow**, USCIB's Carnet development manager, provided training in the use of Carnets to the department's Trade Information Center. In early November, ATA Carnet exhibited at the 2009 National District Export Council conference in Washington, D.C., where information sessions and events addressed the importance of lifting trade sanctions for American businesses to thrive.

Ms. Barlow continued outreach and training for U.S. Export Assistance Centers around the country. At the Northern Kentucky International Trade Association's Trade Education seminar, she spoke about how Carnets can save American businesses time and money when implementing exporting or growing their current export market share. ■

ATA Carnet Goes Live on Twitter

USCIB's "merchandise passport" service has launched a Twitter feed with frequent updates regarding industry news on www.twitter.com/ATACarnet. Follow us to learn how to make the most of ATA Carnets, and to find out about events of interest to the U.S. export community.

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The commitment to reform the mission and governance of the International Monetary Fund, following the increase of funds made available to the institution after the G20 summit in London, is also commendable.

"ICC welcomes the stronger global governance and leadership shown by the G20 and looks forward to increasing cooperation among the world's major economies, which is vital to resolving the major challenges facing mankind today," said **Jean Rozwadowski**, ICC's secretary general. ■

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Best Practices for Global Antitrust

American companies are increasingly doing business in far-flung corners of the globe and entering diverse markets to service global consumers. In representing our members' interests abroad, USCIB is keenly aware that the legal and regulatory landscape in the competition area requires an understanding and dialogue with enforcement authorities from around the world.

Increasingly, however, it is difficult to ascertain the competition laws to which a company will be subject, the theories alleging anticompetitive behavior under which a firm may be charged, and whether or not there are sufficient guidelines established to ensure due process and procedural fairness.

In an effort to foster predictability and transparency across borders, USCIB's Competition Committee has drafted suggested "best practices" as potential guidance to antitrust authorities internationally.

The "Recommended Framework for Best Practices in International Competition Law Enforcement Proceedings" (available at www.uscib.org/docs/2009_11_04_antitrust.pdf), offers recommendations relating to transparency, active engagement with parties, confidentiality, due process/fairness, non-discrimination and accountability.

It notes, "We believe that the foregoing best practices, if adopted, not only would ensure that companies are accorded procedural fairness, but also would more effectively promote the policies that underlie competition laws, promote greater respect for competition law and its enforcement and ensure more efficient utilization of the enforcement resources of competition authorities worldwide, without jeopardizing the legitimate enforcement interests of any jurisdiction."

Thus far, the position paper has been well received by US government officials and USCIB's affiliate, the International Chamber of Commerce (ICC). ICC's Competition Commission has embarked upon a similar endeavor premised on USCIB's "Best Practices."

Additionally, the OECD has announced that one of its roundtable discussions during its February 2010 Competition Committee meetings will be devoted to due process and procedural fairness. USCIB will be offering its views through its affiliate, the Business Industry Advisory Committee to the OECD (BIAC), and it is expected that the USCIB position paper will inform this future work as well. ■

For more information, please contact **Charlene Flick**, USCIB's director of intellectual property and competition (cflick@uscib.org).

Arbitration in the Americas: ICC's Miami Conference

In early November, ICC's International Court of Arbitration held its seventh annual conference on "International Commercial Arbitration in Latin America" over three days at the Ritz-Carlton Hotel in Miami Beach.



L-R: John Ellison (KPMG, United Kingdom), ICC Court Chairman John Beechey, George Bermann (Columbia Law School), International Bar Association President Fernando Pelaez-Pier (Hoet Pelaez Castillo & Duque, Venezuela).

A distinguished roster of speakers, including eminent lawyers and academics, addressed cutting-edge topics such as arbitrating under economic distress, resolving natural resource disputes, proposed revisions to the ICC Rules and practices of the ICC Court, new and revised arbitration legislation in a variety of Latin American countries, the rise of treaty arbitration and best practices for drafting an ICC award.



WCF supports services and ICC initiatives by uniting the global community of over 14,000 chambers of commerce. By facilitating exchange of best practices and experiences, WCF helps chambers improve services and performance. To learn more about how WCF can help achieve chamber excellence visit:

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- Chamber Trust

Over 300 practicing lawyers, corporate counsel, arbitrators, mediators, academics and professionals from 30 different countries attended the conference — a record for attendance and participation for the ICC Miami conference. The sessions



were conducted in both English and Spanish with simultaneous translation.

Prior to the conference, the ICC Young Arbitrators Forum hosted a spirited panel and discussion for participants age 40 and under about the evolution of the doctrine of confidentiality in international arbitration.

Mark your calendars for the Eighth Annual ICC Miami Conference, which will be held on November 7-9, 2010. More information is available from **Victoria Shannon** of the ICC Court's North American office (victoria.shannon@iccwbo.org). ■

ICC Marketing Commission Meetings

January 26-27, 2010
New York City

As the U.S. affiliate of the International Chamber of Commerce, USCIB will host a launch of the ICC Marketing Commission's new Framework for Responsible Environmental Marketing Communications at the next Commission meeting. The framework builds on ICC's standing code of advertising practice and serves as guidance for member companies about how to develop accurate and trustworthy messages in their environmentally-focused advertising. Other key topics will be global efforts to promote self-regulation, and digital media issues and data privacy, including online behavioral advertising, and future revisions of the Consolidated ICC Code. For more information, please contact **Raelene Martin** (raelene.martin@iccwbo.org). ■

Save the Date! 2010 OECD Tax Conference

June 7-8, 2010
The Westin City Center
Washington, DC

The OECD, USCIB and BIAC, in cooperation with a number of other leading tax-focused organizations, will host a conference on the OECD's new international taxation initiatives. Panels will address current OECD tax projects and will include speakers from business, the OECD and U.S. government. This conference provides a unique opportunity for the U.S. business community to interact with key representatives from the OECD Center for Tax Policy and Administration and senior tax officials from the U.S. and other OECD countries. For more information regarding program details, please contact **Erin Breitenbucher** (202-682-7465, ebreitenbucher@uscib-dc.org). To find out about sponsorship opportunities, please contact **Abby Shapiro** (617-242-0205, ashapiro@uscib.org). ■

An ICC initiative
BASCAP
Business Action to Stop
Counterfeiting and Piracy



BASCAP unites the global business community to more effectively identify and address intellectual property rights issues and petition for greater commitments by local, national and international officials in the enforcement and protection of IPR.

The work of **BASCAP** aims to:

- Increase awareness of counterfeiting and piracy activities and the associated economic and social harm
- Compel government action and the allocation of resources towards improved IPR enforcement
- Create a culture change to ensure intellectual property is respected and protected

BASCAP speaks out on the damage caused by counterfeiting and piracy, including:

- Loss of lawful employment opportunities
- Danger to consumer health and safety
- Loss of innovation and poor product quality
- Financial links to organized crime
- Reduction of tax base
- Limited technology transfer

Companies interested in membership are invited to contact Jeffrey Hardy, Jeffrey.hardy@iccwbo.org or visit www.iccwbo.org/bascap





UNITED STATES COUNCIL FOR
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calendar

january, 2010

13	New York	USCIB Information, Communications and Technology Policy Committee
21	Washington, DC	USCIB Nanotechnology Working Group
26	Paris	BIAC China Task Force
26 - 27	New York	ICC Commission on Marketing and Advertising

february, 2010

1 - 4	Paris	PIDA Training - International Contracts: Study of a mockcase
11	Paris	ICC International Mediation Conference

march, 2010

14 - 16	San Francisco	ICC Asia-Pacific Conference
17	Washington, DC	USCIB Briefing on Uzbekistan Cotton Issues

april, 2010

7 - 8	Paris	ICC Commission on E-Business, IT and Telecoms (EBITT) & Business Action to Support the Information Society (BASIS)
21 - 23	Beijing	ICC Banking Commission

june, 2010

7 - 8	Washington, DC	OECD Tax Conference
26 - 27	Toronto	G20 Summit

Please visit www.uscib.org/calendar.asp for a full list of upcoming events.

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