

# WILLIAMS MULLEN

## BUSINESS EXPANSION LEGAL SERVICES

*For Foreign Companies Doing Business in the U.S.A.*



### BUSINESS EXPANSION LEGAL SERVICES

The American Legal Challenge.  
The owner of a foreign company establishing or expanding operations in the United States faces two principal legal challenges:

- > How can I identify the FAQ that I should ask to protect the new U.S. subsidiary against legal risks and to best position it to compete with larger and more established U.S. companies?
- > How can I find a competent and experienced American law firm that can answer these FAQ and other questions and do so within a reasonable legal budget? Above all, the business owner should avoid having to pay by the hour without getting meaningful results.

### THE WILLIAMS MULLEN SOLUTION.

We offer Business Expansion Legal Services for foreign companies entering or expanding in the United States. Our program charges a fixed fee or sets a cap on hourly billings during the first six (6) months. The legal services are intended to cover the full range of essential services required to expand operations in the United States. ***Our goal is to help you put in place the right legal structure and to provide you with ongoing general business legal advice within a realistic legal budget to assure the success of your U.S. business.*** We will measure our success based on "Finding Yes®". In other words, finding workable legal solutions for a successful launch of your U.S. company. After the first six months, we can agree to either renew our legal contract on a fixed fee basis; or move to more

### ABOUT US

Founded in 1909, our firm has 225 attorneys, has a national and international practice, and a particular focus on representing foreign companies in connection with their direct investments in the United States, whether by acquisition (M&A), joint venture or the setting up of a U.S. subsidiary. Our principal offices are located in Washington, D.C., Virginia, North Carolina and South Carolina. Given the size and experience of our firm, Williams Mullen can provide the full range of commercial legal services—from intellectual property to corporate tax matters to visa strategies and more—to meet the needs of global businesses.

traditional hourly legal services for various general or discrete matters.



# WE CAN HELP YOU

## OUR BUSINESS EXPANSION LEGAL SERVICES FAQs:

During the first six months, we will work with you to help put in place the right legal structure to meet your business goals or contract requirements for the U.S. market. We can address any or all the following 10 FAQs:

- > **FAQ #1:** Is there a Commonly Used Checklist for Setting up Business Operations or an Office in the United States?
- > **FAQ #2:** What are the Legal Forms for Conducting Business in the United States?
- > **FAQ #3:** Should We Form Our Corporation in the State of Delaware?
- > **FAQ #4:** What Taxes will the U.S. Subsidiary Corporation Pay?
- > **FAQ #5:** What Protections Exist for Intellectual Property?
- > **FAQ #6:** What Visas Will Your Foreign Company Require for Operations in the United States?

- > **FAQ #7:** What Contracts Should Be Reviewed to Assure that They Are Enforceable Under U.S. Laws?
- > **FAQ #8:** What Import-Export Laws Will Be Important For Your Foreign Corporation?
- > **FAQ #9:** What Are The Other Relevant Areas Of Law?
- > **FAQ #10:** What Business Strategies Can Accelerate Your Growth in the U.S. Market?

For more information on these FAQ, please visit our website at [williamsmullen.com/news/10FAQs](http://williamsmullen.com/news/10FAQs). During our initial consultation, which we offer at no obligation, we can determine if there are other questions which should also be addressed to find you the most pertinent answers and solutions for your legal issues.

## WE BEGIN WITH: AN INITIAL CONSULTATION.

We can meet in your country or by conference call from the United States to determine the scope of your questions and issues that will affect your success. Following that consultation, we will establish a legal



budget or fixed fee for the first six months. You will find that getting the tax and corporate structure right and your employment and supply contracts in place will be among the keys to success. Visa planning is also important to ensure that your key personnel can transfer to the United States.

In short, this list illustrates the range of the predictable and unpredictable issues where the regular advice of experienced legal counsel can make a difference during the first six months. The list is illustrative only and is not meant to limit our representation, as there can be other general business legal issues that will arise during the first six (6) months.

### **OUR LIST OF BUSINESS EXPANSION LEGAL SERVICES:**

- > Form U.S. company: corporation or limited liability company; set up of holding company? Incorporate in Delaware or another state? Review tax consequences in setting up the right corporate structure for your business.
- > Qualify your company to do business in multiple states.
- > File for "New Office L-1 Visa" for your manager or technical personnel; or use E-2 Visa for company making substantial investment.
- > Advise on using B-1 Visas for short-term transfers to support contracts or specific projects.
- > Advise on application of local/state taxes.
- > Conduct trademark search and file trademark application; advise on patent issues or ownership of intellectual property.
- > Obtain Internal Revenue Service Employer Identification Number (EIN); Social Security Numbers, business licenses, any other state and local registrations.
- > Review of office or warehouse lease.
- > Draft Employee Handbook, provide briefing/training for managers and expatriates on federal and state employment laws.
- > Provide initial briefing on obtaining government grants, contracts and subcontracts.
- > Review commercial contracts, master supply agreements, advice on limiting liability for indemnification, consequential damages, warranty claims, etc.
- > Review applicability of Export Controls regulations, advice on how to set up a Compliance Program.
- > Advice on structuring Teaming and Joint Venture Agreements under U.S. contract laws.
- > Advice on U.S. customs regulations, valuations and classification of products exported to the USA.
- > Review distribution/agency/licensing agreements for selling products in U.S.
- > Economic Incentives: review of Performance Agreements and incentive packages offered by competing State or Regional Economic Development Agencies; advise and assist with economic development location issues and decisions.
- > Other general business legal advice.

# Contact Us

## BUSINESS EXPANSION LEGAL SERVICES



areas, such as negotiation of contracts with an Original Equipment Manufacturer (OEM) or tax planning over all others.

We will work with you on a realistic legal budget that will produce results. Our mutual goal: After six months your U.S. company should be able to compete for American business on a "level playing field."

Please consider arranging for an individual consultation during which we can determine the scope of services and a legal budget for your company.

One size does not fit all. We will adapt this program to your needs. You may only be interested in some of the Business Expansion Legal Services; or wish to emphasize certain



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