

FAIRBRIDGES WERTHEIM BECKER

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A. WHO WE ARE

Fairbridges Wertheim Becker was formed in 2015 by the coming together of two respected South African law firms, the first being Fairbridges established in 1812 in **Cape Town**, the second Wertheim Becker founded in 1904 in **Johannesburg**. We are the oldest law firm in the Southern Hemisphere and our history, strong sense of continuity, expertise and value proposition make us the ideal partner to assist clients in achieving their commercial and personal legal objectives. Our teams of experienced and highly-qualified attorneys and professional staff allow us to offer a complete legal service offering, through our multi-disciplinary practice groups. We have the capacity, resources and skills to meet our clients' needs both locally and abroad, while ensuring a personal, supportive and professional relationship with all our clients. At a glance we provide the following legal services:

- commercial;
- competition;
- data protection and privacy;
- dispute resolution;
- employment and employee benefits;
- estates and trusts;
- insurance / reinsurance / medical malpractice;
- intellectual property;
- persons and family;
- property;
- public / administrative / regulatory; and
- sports law.

We have built our professional reputation as South Africa's senior law firm through our commitment to service excellence and maintenance of the highest standards in the practice of law. We have always managed to adapt to change and embrace innovation in seeking enterprising solutions for our clients. Our current generation of attorneys, notaries and conveyancers is fully attuned to the requirements of a rapidly evolving modern world. We welcome its challenges, secure in the solid and enduring foundation on which our firm has been built.

Our standing and our ongoing aspirations may be best captured in the words of the Former Chief Justice of South Africa **Michael Corbett** who wrote:

"...the firm has always exemplified all that is best in the practice of the law: reliability, integrity, high ethical standards, devotion to the interest of the client and professional expertise."

B. OUR GLOBAL REACH

We have since 1999 been the exclusive South African member of **TerraLex**, a leading international network of top independent law firms in more than 100 countries.

With over 1,000 offices and comprising more than 18,000 lawyers, the **TerraLex** member firms offer our clients global expertise with local knowledge and connections. Member firms are able to collaborate seamlessly across borders with colleagues from other jurisdictions regardless of differences in legal systems and cultures.

TerraLex provides its members with opportunities to develop close professional and personal relationships, to acquire an understanding of each other's business and legal environments, to share best-practice knowledge and experience, and provide responsive quality service in jurisdictions throughout Africa, Europe, North and South America and Asia Pacific.

We have been closely involved in the leadership and growth of **TerraLex** and have been represented on the Board of Directors since 2003. Current director **Bob Groeneveld** serves as Regional Vice-Chair for Africa & Middle East, as did our former chair **Louis Rood** before him.

Membership of **TerraLex** enables us to effectively meet our clients' legal requirements, wherever they do business or require advice and support, confident in the high professional standards and quality of our **TerraLex** colleagues.

Go to www.terralex.org

C. OUR CULTURE AND VALUES

We are accountable to one another and to our clients and are mindful of our role and responsibilities to our broader community and to our country. Our culture is characterized by the following commitments:

- We embrace challenges and encourage innovation.
- We aim at all times to offer pragmatic and cost-effective legal solutions tailored to each clients' needs.
- We conduct ourselves with integrity and commitment.
- We push our boundaries to pursue continuous improvement in everything we do.
- We respond with energy and purpose.
- We apply ourselves with thoroughness, consistency and professionalism.
- We aspire to foster a vibrant culture where people thrive.
- We support and believe in others, motivate each other and show appreciation.

We respect and value what we have and who we can be.

D. OUR VALUE PROPOSITION

We are a leading law firm comprising legal practitioners who offer a wealth of knowledge and experience. Although still analytical and critical in evaluating legal conundrums, as well as logical and methodical in its assessment, we adopt a practical approach to problem solving, using lateral and innovative thinking. We are the firm that you can turn to for help in your most *unhelpful* circumstances. We have developed a reputation for elegant legal solutions to complex legal problems in a cost-effective manner.

Our attorneys strive to meet the highest professional and ethical standards. We aim to add value to everything we do. The firm's long heritage demonstrates that our reputation is vital for our success and has been integral to our sustainability for the past two centuries.

We think globally. Notwithstanding the fact that we are a proud South African law firm, our goal is to provide practical solutions and advice based on sound legal principles which achieve the best

outcome for our clients. We are more than capable of providing a concentrated and highly skilled team of attorneys to attend to matters at very competitive rates.

Throughout our long rich history, we have shown agility in adapting to a changing environment. We embrace innovation. This ethos of enterprise, coupled with our commitment to service excellence and maintenance of the highest standards in the practice of law has grown and sustained our unique professional reputation as South Africa's senior law firm.

At the core, our partnership proposal is a steadfast commitment to remain true to our values and deliver the best possible legal solutions to our clients in an efficient and cost-effective manner.

E. OUR EMPOWERMENT CREDENTIALS

Our Black Economic Empowerment Verification is Level Four. We embrace and support the principles of BEE as defined in the Broad-Based Black Economic Empowerment Act, 53 of 2003, and have committed ourselves to the continuing transformation and integration of all persons of different races, gender and belief. Currently, 30% of the equity ownership of the firm is held by black professionals, all of whom actively participate in the senior management and strategic planning of the firm.

We implement equal opportunity for all based on merit with an emphasis on advancing historically disadvantaged individuals. All professionals work in teams under the leadership and mentorship of experienced attorneys, thereby ensuring an integrated and diverse organisation, genuine skills transfer, professional development and consistent excellent service delivery.

F. OUR EXPERTISE

COMMERCIAL LAW

Our corporate and commercial division specialises in a wide range of commercial and corporate law including:

- acquisitions, take-overs and mergers;
- corporate structuring, including structuring and incorporations of private and public companies;
- prospectuses and listings;
- corporate reorganizations;
- corporate and structured finance arrangements;
- banking and finance and securities documentation;
- structuring and drafting of commercial contracts;
- due diligence audits;
- empowerment transactions;
- financial markets and securities law;
- exchange control requirements;
- structuring and formation of joint ventures, partnerships and trusts;
- general law corporate advice; and
- corporate governance; and sports and entertainment law.

The Corporate and Commercial Division also provides the full range of secretarial services for companies, special purpose vehicles and other entities. We have substantial experience in advising mining companies in respect of transactions in the mining industry and on regulatory and compliance issues associated with South Africa's mining law environment, including applications for the transfer and amendment of mining and prospecting rights.

In addition to the foregoing we offer specialist expertise in sports and entertainment law and routinely represent athletes, football clubs, sports associations, hospitality companies, and film production companies. We have acted as a Prosecutor for the South African Institute of Drug Free

Sports and represent clients at the PSL Dispute Resolution Chamber and the South African Anti-Doping Tribunal.

COMPETITION LAW

We specialize in all aspects of competition law and regulation, and have experience across a broad range of business areas, sectors and industries, including in respect of:

- prohibited practices;
- merger control;
- cartel investigations;
- corporate leniency applications;
- competition law compliance; and
- provision of competition compliance training programmes.

DATA PROTECTION AND PRIVACY LAW

Our Data Protection and Privacy Law Department specialises in all aspects of Data Protection and Privacy Laws and Regulations. It has experience across various business areas, sectors, and industries.

Our areas of specialisation include:

- Drafting relevant data protection policies for your organisation and updating commercial contracts to ensure compliance with the Protection of Personal Information Act 4 of 2013 ("POPIA");
- Conducting POPIA Impact and Risk Assessments within your organisation and drafting POPIA recommendation reports to assist your organisation with mitigating data protection risks your corporation may face and compliance with POPIA;
- Drafting a POPIA and Promotion of Access to Information Act, Act 2 of 2000 ("PAIA") manual for your organisation;
- Providing POPIA training, including presentations and POPIA workshops for your organisation;
- Registering an information officer and deputy information officer appointed by you with the Information Regulator;
- Assisting you in dealing with complaints referred to the Information Regulator; and
- Data Privacy and POPIA Litigation.

DISPUTE RESOLUTION

We practise in all areas of litigation and dispute resolution, including in respect of:

- general commercial litigation;
- construction law, including within the Built Environment Legislative Framework;
- consumer law;
- delictual and contract law;
- shareholder disputes;
- entertainment law;
- sports law;
- IT law;
- mining law;
- personal injury law;
- property law; and
- litigation within the Public Finance Management Litigation Framework.

ESTATES AND TRUSTS

We have extensive expertise in relation to:

- estates planning;
- wills;
- estate administration;
- disputed Wills;
- curatorship applications and administration;
- formation and registration of inter vivos trusts; and
- trust governance and administration.

EMPLOYMENT AND EMPLOYEE BENEFITS

Our team has significant expertise and experience in:

- all aspects of collective bargaining issues;
- industrial action disputes;
- internal pre-dismissal processes;
- executive employment and related issues;
- drafting of all employment related contracts;
- corporate restructuring, employment issues flowing from mergers and acquisitions;
- advising on all aspects of employment equity;
- data protection;
- provision of employment law and corporate governance training;
- restraint of trade/non-compete agreements;
- conducting forensic investigations;
- representing clients in all employment tribunals and courts;
- advising clients regarding the setting up of retirement funding, the administration and regulation of retirements funds and compliance with the Pension Funds Act and Regulations;
- advising on medical aid schemes and compliance with rules and relevant legislation;
- dealing with disputes referred to the Pension Fund Adjudicator and other relevant statutory bodies;
- advising on employment benefits such as group life and disability benefits and the handling of claims; and
- advising on occupational injuries and diseases.

We also advise clients on all aspects of occupational health and safety law (OHS), including in respect of regulatory compliance and risk issues and represent employers in the event of accidents, incidents and workplace fatalities.

INSURANCE / REINSURANCE / MEDICAL MALPRACTICE

Our team acts for insurers, reinsurers, underwriting managers, brokers, private and public healthcare groups (both locally and internationally), pharmaceutical retailers, medical professionals and policyholders in cell-captive schemes across all lines of insurance.

We advise clients on contentious and non-contentious matters which includes policy wording, policy coverage, and disputes, claims assessment and quantification, representation of professionals in disciplinary proceedings, complex disputes (litigation and alternative dispute resolution) and regulatory and compliance advice in the healthcare sector.

Our team has extensive expertise and experience in the following lines of insurance:

- directors and officers liability;
- guarantees;
- marine;
- medical malpractice (which includes risk assessment and risk management);
- personal injury;
- product liability;
- professional liability;
- property;
- public liability; and
- trade credit.

INTELLECTUAL PROPERTY LAW

The IP department is a long established one and has acted for many local and foreign clients in a range of IP law matters. We provide the following IP law services:

- local and foreign trademark registration and litigation (including oppositions and infringements);
- maintenance of local and foreign trademarks;
- general trademark portfolio management housed on our database;
- copyright advice and litigation (local and foreign);

- unfair competition and passing off Domain name Disputes;
- registering defensive company names;
- company name objections;
- advertising regulatory board advice and disputes (previously known as the Advertising Standards Authority);
- commercial aspects relating to IP;
- IP related agreements, such as licensing, confidentiality, assignments , website usage terms and conditions and privacy agreements;
- general advice on IP related law including that dealing with ownership and exchange control;
- licensing;
- design registration and litigation; and
- patents (where we work closely and consult with qualified patent attorneys).

As regards trademarks specifically, we manage a large portfolio of trademarks and are responsible for many well-known brands. We represent clients with varying business activities and cover industries ranging from finance, investments, transport, municipalities, clothing retail, telecommunications, IT, pharmaceuticals, motor vehicles; construction, consumer products such as foods and beverages etc. We can manage trademarks in South Africa, African and other foreign countries. We have an established network of African and foreign trademark counsel on which we rely to assist our clients in protecting their brands internationally.

Furthermore, the Information Technology services we can provide in respect of internal policy development and contractual advice are as follows:

- cybercrimes and cybersecurity;
- electronic communications and transactions;
- promotion of access to information / data protection;
- protection of personal information; and
- software licensing.

PERSONS AND FAMILY LAW

We have extensive expertise in personal law, divorce law and the law relating to the protection of children. A number of our family lawyers are at the forefront of matrimonial litigation and have developed dynamic and cost-effective strategies in such litigation to resolve matters in the most efficient and effective way. Our renowned team of lawyers have developed a reputation for introducing strident and unique solutions in the family law arena.

PROPERTY LAW

We have a large and well-established conveyancing and property team focused on:

- residential property transfers flowing from sale agreements, donation agreements, deceased estates etc.;
- commercial property transfers such as inter-company transfers, sales, restructuring, asset for share agreements etc.;
- mortgage bond registrations for the commercial banks, both residential and commercial;
- cancellation of residential or commercial mortgage bonds;
- private mortgage bond registrations in respect of companies and individuals;
- opening and registration of sectional title schemes;
- registration of subdivisions & consolidations of property;
- transfers in respect of low-cost housing companies;
- registration of servitudes, both personal and praedial;
- drafting of sale and lease agreements relating to immovable property;
- issuing of conveyancing certificates where required for building plan applications; and
- transfers for state organs flowing from local municipalities.

PUBLIC / ADMINISTRATIVE / REGULATORY LAW

We practice in **administrative law** as well as **regulatory and Constitutional law and** are able to advise our clients on the practical effect of legislation, and the powers afforded to administrators, on their organisations. We also advise on judicial remedies available to our clients pursuant to unlawful administrative action. Our team of experienced litigants in this arena have represented both the regulators and the parties affected by the administrative decisions. This has afforded them the opportunity to be at the cutting edge of this arena of the law by providing a unique solutions to often complex and emotive subjects. Our attorneys have represented clients by providing unusual and yet effective strategies to achieve the desired results in the most cost-effective and prudent manner. They have partnered with the clients in achieving results that are in the best interests of the organisation they represent. Moreover, we advise on tenders, licencing and compliance requirements in various sectors, in particular the health sector, waste management, the meat industry, the transport industry as well as the construction industry. The firm has been invited to do investigations in relation to tenders awarded by various state-owned enterprises and large corporate's. This includes inter alia due diligence investigations on tenders awarded and licenses granted for the purposes of investment vehicles and investor.

SPORTS LAW

Our lawyers have long-standing experience in the sports sector. We also understand that sport is far more than just entertainment, it is a business. There are disputes to be resolved, commercial interests to be protected as well as governance and legal principles to be upheld, and that is where we step in. We excel in providing consistent, effective and efficient legal solutions to our clients.

Law and Sports have one thing in common, which is the uncertainty of outcomes. However, with our team of seasoned sports lawyers, our clients get to enjoy the privilege of enjoying the game in the absence of anxiety

Our clients include, amongst others, the South African Football Association (SAFA), SAFA Gauteng, the Titans Centre for Mediation in Sports and the Golden Lions Rugby Union.

Our areas of work include:

- litigation;

- arbitrations;
- disciplinary proceedings;
- stadium safety;
- constitutional matters;
- commercial rights;
- contracts;
- corporate governance;
- doping; and
- match fixing.

G. OUR CLIENTS

We represent commercial clients across a wide range of industries including:

- construction;
- manufacturing;
- medical clinics;
- bio-tech and pharmaceutical;
- retail and commercial property;
- liquor;
- retail and wholesale;
- financial services;
- food services;
- municipalities;
- tertiary education; and
- mining.

H. OUR CONTACT DETAILS

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