

AMCHAM NEWS

American Chamber of Commerce in New Zealand

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July 2014

Orion Health wins Supreme Award at 2014 American Chamber of Commerce DHL Express Success & Innovation Awards

Orion Health won the Supreme Award for trade with the United States at the 15th annual AmCham DHL Express Success & Innovation Awards. The awards celebrate success and innovation in the export, import and investment sectors between New Zealand and its third-largest trading partner, the USA.

The awards were presented on 7 August at the Pullman Auckland Hotel. AmCham was delighted to welcome Minister Steven Joyce to his first AmCham Awards dinner. He presented the three exporter and supreme awards.

Commenting on the award for Orion Health, Stephen Titter, chair of the judging panel, said: "Orion Health clearly and succinctly described its business operation and value proposition, including its focus and commitment to customer centric product and service innovation, which has propelled its continuing rapid growth in a highly competitive sector, winning significant and strategic customers internationally and in particular the USA.

"The judges were especially impressed with the strength of the Orion business model and its ability to secure long-term annuity contracts and add further value through consulting services, tailoring Orion Health solutions to specific customer requirements.

"Of special interest to the judges was Orion Health's outstanding and consistent track record in corporate social responsibility, in particular a strategic and close working relationship with the Auckland University School of Medicine."

This was one of the toughest years for the judges, particularly in the category for Exporters over \$5 million. There was only a point or two between all the finalists.

Tim Baxter, country manager DHL Express New Zealand, who announced the supreme winner said, "At DHL Express we recognise that the NZ/US trade lane is highly valuable and growing steadily. It is encouraging to see organisations like Orion Health maximising this opportunity. Orion has demonstrated the successes that can be achieved through expansion into international markets with the right business strategies and focus."

The Supreme Award is chosen from the winners of each of the categories presented on the night. The category winners are:

Importer of the Year from the USA: BMW New Zealand Ltd

Investor of the Year to or from the USA: Valar Ventures/Matrix Capital

Exporter of the Year – under NZ\$500,000: Kiwa Digital Ltd

Exporter of the Year – NZ\$500,000–5 million: Jucy Group Ltd

Exporter of the Year – over NZ\$5 million: Orion Health Ltd

Trevor Eagle Memorial Award – AmCham Supporter of the Year: AUT University Business School

Eric & Kathy Hertz Award for Citizen Diplomacy: Fulbright New Zealand.

Winners of the importer, and exporter categories receive airfares to the value of \$2,000 from Hawaiian Airlines for travel to the USA and the Erick & Kathy Hertz award winner a cheque or airfare to the value of \$2,500.

In addition to AmCham, DHL-Express and Hawaiian Airlines, the awards are also supported by ASB Bank, Baldwins, Fonterra, Prescient Marketing & Communications, The Pullman Auckland Hotel and media partner The Business.

Other previous winners of the Supreme Award include Zespri International, Specialist Marine Interiors, Peace Software, Airways Corporation, HumanWare, Tenon, Orion Systems International, Zeacom and Pratt & Whitney Air New Zealand Services t/a Christchurch Engine Centre, Buckley Systems, Vista Entertainment and Greenshell New Zealand.

Photo's from the Awards are on last page of this newsletter.

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AmCham AGM

AmCham held its annual AGM on 30th July at AUT University. [Click here for a copy of the Presidents Report.](#)

The following were re-elected as directors:

Derek Syme, Citibank NZ NA – President
 Eric Mahoney, New Zealand Assets Management – Vice President
 Mark Fitz-Gerald – Treasurer
 Stephen Titter, Hahei Consulting Ltd
 Tim Ritchie, Meat Industry Association Inc
 Alex Broughton, BusinessIQ Ltd
 Tony Eaton, NZ Screen Association/Motion Picture Association of America
 Dr Geoff Perry, AUT University Business School
 Robert Falvey, Minter Ellison Rudd Watts
 Corey Holter, Ford Motor Company of New Zealand Ltd
 Rob Lee, IBM New Zealand Ltd
 Michael Brick, Microsoft New Zealand Ltd
 Melissa McGregor, Pfizer New Zealand Ltd



The board of AmCham would like to thank AUT University Business School for hosting our board meeting, AGM and Reception.

AmCham boardroom hosts unique lessons in governance

Kristal Mendez was the newest, youngest and least experienced face around the boardroom table at the American Chamber of Commerce in New Zealand (AmCham) board meeting yesterday as she started her year-long stint as its first ever student board member.

Mendez, who is completing a Master of Business Administration at AUT University, will attend several board meetings as a non-voting but active member, as part of the student board member initiative just launched by AmCham and the AUT Business School.

"This initiative has been created to help develop the next generation of organisational leaders, and to further connections between AmCham, AUT and the business community. The AUT Business School promotes strong industry engagement throughout its programmes of study so we knew it would have strong candidates for the student board member role," says the Executive Director of AmCham Mike Hearn.

Dean of the AUT Faculty of Business and Law, and AmCham director, Professor Geoff Perry says: "The business school is focused on connecting our students to business in a meaningful way and offering them valuable learning opportunities. This initiative will give the students high-level insights into corporate governance and the chance to participate in boardroom discussion. Having these young future leaders in the boardroom will also give AmCham a chance to hear about issues from a different perspective."

Mendez, an experienced lawyer, says she is completing an MBA as a way to further her interest in corporate governance and develop a business mindset, so the chance to get into the AmCham boardroom is an "extra bonus".

"I'm really excited about this position, because it offers a high-level insight into governance I can't get anywhere else.

"This is a unique opportunity for someone at my level to peer behind the veil and learn how business works at an executive level."

The AmCham/AUT student board member initiative will run for three years.

TPP

The Facts about Government Procurement and TPP: TPP Promotes Buying American Across the Globe - From USTR

The Obama Administration is committed to creating jobs, strengthening domestic manufacturing, and promoting sustainable economic growth that benefits American families. That is why USTR is pursuing trade negotiations that contribute to those goals by unlocking new economic opportunities for American workers, businesses, farmers, and ranchers. The United States is currently participating in the Trans-Pacific Partnership Agreement (TPP) negotiations with 11 growing Asia-Pacific countries. TPP is designed to help create opportunity for Americans by opening these markets to U.S. goods and services, setting high-standard trade rules, and addressing 21st century issues in the global economy.

There are a lot of myths suggesting that TPP would overturn or undermine our ability to buy American or even prevent states and local governments from implementing their own procurement processes. These assertions are incorrect. There is nothing in TPP that will ban federal, state, or local governments from buying American. In fact, under TPP we are working to ensure that more countries around the world have the ability to buy American in order to help support jobs here at home. TPP will tear down barriers in other countries to create opportunities for our workers in fast-growing markets where governments are significant buyers of goods and services.

To read further, please click [here](#).

Canada should be evicted from trade talks, Members of Congress say

Canada should be tossed out of negotiations on a major multinational free trade deal if its government doesn't agree to open up the agricultural sector to greater competition, Members of Congress have told President Barack Obama. In a letter sent to the president last

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Supporting AmCham

TPP (Continued from page 2)

week, 140 members of Congress urged the president to cut Canada, as well as Japan, out of talks on the Trans-Pacific Partnership if the countries refuse to open up their agricultural industries to competition under the deal. The letter said the lawmakers were “troubled by Canada’s lack of ambition, which is threatening a robust outcome for U.S. farmers.” At the heart of the issue is Canada’s supply management system for dairy and poultry products, the Globe and Mail reports. Supply management sets up standardized prices for these products, limits the supply and keeps foreign competition at bay with high import tariffs. While backers of supply management said it provides stability for farmers, critics say it raises the price of dairy and poultry.

Read More: [Huffington Post Canada](#)

End in sight for U.S.-Japan TPP talks on agriculture market access, Oe says

The conclusion of agriculture market access talks between the U.S. and Japan is in sight, Japan's Trans-Pacific Partnership (TPP) Ambassador Hiroshi Oe said August 5. In remarks to reporters, Oe said that during two days of intensive, substantive negotiations, the areas where compromises are to be made have been clearly identified, but that those compromises remain to be realized. Although “the fog has cleared and the summit is in view,” work remains to be done at the negotiator level before ministerial decisions must be made, he said. Oe said no more meetings are planned for August, but that the two sides are looking forward to meeting again soon thereafter, while coordinating the bilateral negotiations with planned meetings of the TPP chief negotiators.

Read More: [BNA](#), [Japan Times](#), [Japan Times](#)

Ways and Means Republicans: TPA Must Come Before TPP

On July 17, the Republican Members of the House Ways and Means Committee sent a [letter](#) to U.S. Trade Representative Michael Froman “urging the Obama Administration to build support for Trade Promotion Authority (TPA) and directing the Administration not to complete the Trans-Pacific Partnership (TPP) before TPA is enacted into law.” In the letter, the Members stated: “Because of the critical importance of TPA in ensuring a successful outcome in the TPP negotiations, we will not support TPP if the agreement, even an agreement in principle, is completed before TPA is enacted. Once TPA is enacted, we will have laid the necessary groundwork to bring to conclusion a solid TPP agreement that will pass Congressional muster, and we will work with you to achieve this goal.” More information can be found [here](#).

[Fourth of July](#)

By Unlimited - It's America's Independence Day, so what better time to talk about our star-spangled new issue, featuring stories from Kiwi firms that are making it big in the USA. Speaking of independence, we're used to seeing cover star Josh Emmet as part of a trio of judges on MasterChef, but it the latest issue we look at his solo efforts off-screen which reveal he's also a savvy businessman. Also in Newswatch this week - [The end of computer passwords](#), [America's manufacturing drop-in centres](#) and [Facebook's war on user independence](#).

[American Dreams](#)

By Unlimited - Exporting to the US is no longer a lofty goal for Kiwi firms. In the news this week, [Moa Brewery](#) and loyalty software company [Collect](#), announced plans for capital raisings eyeing the US market, and Agri-lab's sheep placentas are now [all the rage in Hollywood](#). In the first part of our three part US feature Marta Mager of NZTE talks to Unlimited about [New Zealand's reputation in the US](#), and we look at how fruit packing company Compac found success Stateside by having men on the ground.

New Zealand Institute of Procurement and Supply Incorporated launched

NZIPS's goal is the professional organisation of choice for New Zealand's procurement/contract and supply chain practitioners – for both buyers and suppliers. NZIPS is committed to excellence in procurement and supply through sharing best practices and contributing to the development of the profession in New Zealand and internationally. NZIPS will be relevant to and focused on New Zealand procurement and supply issues, advocacy, qualifications, training and forums. See www.nzips.org.nz or contact Chris Carson chris.carson@nzips.org.nz

Fulbright NZ seeking new Executive Director

Fulbright New Zealand's executive director, Mele Wendt, has announced her resignation from the organisation, which will take effect in December. Mele joined Fulbright New Zealand at the beginning of 2005, and says that after 10 years – a period of significant growth and consolidation – a change in leadership will be good for both her and the organisation.

Mele's resignation was announced to US alumni and stakeholders at a reception at the New Zealand Embassy in Washington, DC on 6 June, at which Matt McMahon from the US Department of State's Bureau of Educational and Cultural Affairs presented her with a memorial Fulbright globe and an official certificate of appreciation signed by Evan Ryan, Assistant Secretary of State for Educational and Cultural Affairs. The certificate acknowledged Mele's “ten years of exemplary service as Executive Director of Fulbright New Zealand and noteworthy contributions to the success of the Fulbright Program between the United States and New Zealand”.

Kiwi students win big at Microsoft's Imagine Cup

A team of University of Auckland students have taken out one of three grand prizes at the Microsoft Imagine Cup in Seattle, Washington.

Hayden Do, Jason Wei, Chris Duan and Derek Zhu competed against 33 teams from around the world to win in the Microsoft Imagine Cup

(Continued on page 4)

pullman
HOTELS AND RESORTS

AUCKLAND

Supporting
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Kiwi Students Win (Continued from page 3)

World Finals with their Esteem App and take home \$US50,000 in prize money. Chris graduated recently in Computer Science, and Hayden and Derek study Information Systems, alongside Computer Science. Jason is specialising in Accounting, Finance and Statistics.

[Read more.](#)

Microsoft announces \$1M grant for High Tech Youth Network as Prime Minister joins One Tree Hill College students to break ground for new IT training Academy

Microsoft New Zealand today announced it is donating \$1M in cash, software and services investment to the High Tech Youth Network to provide pathways for young, underserved Kiwis into the IT industry.

Microsoft New Zealand Managing Director, Paul Muckleston, made the announcement today at One Tree Hill College in Penrose, where Prime Minister John Key joined with students and the CEO of the High Tech Youth Network for the official ground-breaking for the construction of a new High Tech Youth Studio and Academy at the school.

The One Tree Hill College Academy is the latest site set for development by the High Tech Youth Network to offer vocational and education pathways for students into high-performance digital learning and training. There are currently six High Tech Youth Studios, located in West Auckland, Manukau City, Hamilton, Tauranga, Moerewa (Northland) and Whakatane. Sites in Dunedin, Fiji and Hawaii are also currently in development.

The studios target young people aged 8 – 25 years in underserved communities, providing NCEA and industry related secondary and tertiary credentialing, as well as workplace internships and mentoring of young people in the High-Tech and Digital Media industries. At the studios, young people learn project management and technical skills such as computer game design, electronic publishing, Photoshop, animation and 3D graphic design. <http://hightechyouth.org/>

World Science Week NZ 24-30 August www.WorldScienceWeek.org.nz

World Science Week NZ, a joint initiative of the Royal Society and the Ministry, is a series of public lecture events in Auckland, 24-30 August, featuring a number of eminent international scientists who are attending the concurrent General Assembly of the International Council for Science (ICSU), as well as the associated Open Science Conference of the Scientific Committee for Antarctic Research (SCAR).

Three sessions feature US speakers:

George Blaisdell, US Antarctic Programme, is speaking on Sunday 24 August at Auckland Museum

<http://www.royalsociety.org.nz/events/world-science-week-new-zealand/wizards-ice-pave-way-antarctic-research/>

Rob deConto, U Massachusetts, is speaking on Tuesday 26 August at AUT University, the ice sheet melting/sea level rise panel

<http://www.royalsociety.org.nz/events/world-science-week-new-zealand/melting-ice-rising-sea/>

David Carlson, director World Climate Research Programme, is speaking on Saturday 30 August at AUT University

<http://www.royalsociety.org.nz/events/world-science-week-new-zealand/feeding-the-planet/>

In addition, the astronomy session on Wed 27 August, while there is no US speaker, will cover such things as the US-funded IceCube observatory at the South Pole

<http://www.royalsociety.org.nz/events/world-science-week-new-zealand/big-bang-tomorrow>

Consul General Previews Air New Zealand's New Boeing 787 Dreamliner.

Last month Consul General Jim Donegan, Sue Donegan, and members of Auckland's diplomatic and business communities were invited on board Air New Zealand's new Boeing 787 Dreamliner at Auckland Airport. Chief Flight Operations and Safety Officer Captain David Morgan told the CG that the aircraft is the first of ten 787s of which Air New Zealand will take delivery to replace its aging 767s and 747s. The plane landed in Auckland on July 11 after a 14 hour non-stop flight from Boeing's Seattle manufacturing base. The aircraft represents the strength of enduring commercial ties between the United States and New Zealand – particularly in leading edge/high tech products. [\[read more\]](#)

SUCCESS STORIES WITH USA

[Golden State Foods acquires NZ based Snap Fresh Foods](#)

[EROAD extends partnership with Amazon](#)

[US first port of call for Jade](#)

[DataCol to distribute Itron's water metering systems](#)

[New Zealand's largest digital currency platform secures US investor interest](#)

[Navman founder's Fusion audio company sold to US](#)

[US billionaire's Kiwi empire growing](#)

[Kiwi gets Wal-Mart's top US job](#)

[Cashed-up EROAD would look at Australian, US acquisitions](#)

[Kiwi Income Property Trust make pitch to US investors](#)

[Syl plans to enter US market by 2015](#)

[Gallagher security solution achieves approval from US Government](#)

[Rocket Lab wants to make space commercially viable with \\$5m launch vehicle](#)

[The idea that won Eisenhower prize came out of EPIC: Wil McLellan](#)

[Monster success in the US](#)

[US realtor billionaire Zell makes NZ dairy leap](#)

[AECOM to acquire URS Corp](#)

[Auckland Airport successfully prices its 2nd USPP issue](#)

[I Love Ugly opening a new store in L.A.](#)

Baldwins | Intellectual
BaldwinSon&Carey | Property

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TRADE, BUSINESS and INVESTMENT OPPORTUNITIES

Commercial News USA

The July/August issue of Export USA, the official export promotion magazine of the U.S. Department of Commerce, is currently online at <http://www.thinkglobal.us/exportusa/072014/072014.php>

Trade-Leads for Importing and Exporting

You are invited to register your company at America's new online trade leads matchmaking platform for importers and exporters. ThinkGlobal is the world's first B2B matchmaking platform to integrate multimedia, localization, virtual trade show technology, and social media. Just register online at ThinkGlobal

International Buyer Program – Trade Show Schedule 1 Jan to 31 Dec 2014

For details and support contact Janet Coulthart: janet.coulthart@mail.doc.gov

US Companies seeking distributor

Car Track GPS - The business consists in **offering location services** to end customers through a web site. This is accomplished through a Web platform that we provide as a turnkey server installed at your end. This service will allow customers to track their fleets from any web browser - even from Tablets and Smartphones - with a username and password. [http://www.cartrackgps.net/](http://www.cartrackgps.net) Contact Paul Novak sales@cartrackgps.net

Rainbow Play Systems International - Rainbow is the most trusted brand name in the United States for fine outdoor wooden play equipment. We have over 250 showrooms worldwide and distributors in over 20 countries. We are currently offering rights to exclusive territory distributorship in New Zealand. www.rainbowplay.com Contact: Carmen E. Diaz; International Sales & Marketing Coordinator. E-mail: carmen@rps-international.com

Entering North America - Ben Anderson

From NZTE - North America Beachhead Chair Ben Anderson made an appearance on RadioLive recently to talk about doing business in North America. He discusses the extensive opportunities in the North American market, the accessibility of Silicon Valley, what it takes to succeed and how the Beachhead programme can help companies. [Listen](#)

New Zealand interns in Silicon Valley

Founded by technology entrepreneur and Kiwi Landing Pad director Craig Elliott, the Winternz program takes New Zealand undergraduate students to Silicon Valley for 12-week internships. Craig started the programme in December last year, inviting three students to work at his company, Pertino Networks. These interns wrote code for and tested Pertino's production service.

This year, Winternz will be expanding to more Silicon Valley based technology companies, and will include both software development and marketing internships. To see specific company and job descriptions, please visit [Host Companies](#).

If you are a **company** that would like to be involved in the 2014-2015 Winternz program, please send an email to Winternz@klp.org.nz for more information.

Download and share the Kea App

Now you can find and chat with expats in every corner of the globe, and find New Zealand events and businesses near you. Using geo-locating software the Kea App connects you to other Kiwis, events and businesses in your region. Find out more on Kea's [website](#), and download the Kea App from the [App Store](#) or [Google Play](#). Please share the Kea App with your networks and help connect New Zealand offshore like never before.

From ExportX

Two-Thirds of Emails Are Opened on Mobiles

Two-thirds of emails in the USA are now opened on mobile devices; primarily iPhones and iPads, according to a recent report from Movable Ink. Movable Ink's US Consumer Device Preference Report says that 66% of emails were opened on mobile devices, 47% on smartphones and 19% on tablets. Email messages opened on desktop computers has declined [...]

Delivery Charges Obstacle to Online Sales

Recent consumer research in the USA has confirmed that delivery charges continue to be a major obstacle to selling online successfully. Harris Interactive polled over 2,000 online shoppers during one week in June. Two thirds identified delivery costs as their 'pet peeve' when online shopping, the highest-ranked obstacle to making a sale online.

BUSINESS TRAVEL INSURANCE
FROM ACE acegroup.com/nz ▶



BUSINESS TRAVEL & TRAVEL NEWS

News, views and information for Amcham business travellers from **Grant Bevin**, Managing Director Business World Travel.

Business World Travel is a member of GlobalStar Travel Management

Hawaiian Airlines and **Air New Zealand** both have a seat sale to Honolulu aimed at filling seats in the shoulder season. **Hawaiian's** sale fare Auckland to Honolulu is from **NZ\$1125 return** with **Hawaiian** offering **2 pieces of check-in luggage at 32kg each** so the Ala Moana shopping visit won't be an issue. **Hawaiian** is also offering great deals onto their **Mainland** destinations. Ask your usual BWT Consultant or any of our leisure team for the details.

Air New Zealand has asked us to remind our NZ Domestic travellers that their old **Phone App MPass** has been replaced by a newer 'The Air New Zealand Mobile App.' If you have been an old MPass user please update this to the new product on your Android or iPhone. Note though that the airline has had trouble with the new domestic airfare system showing all flights on the Mobile Apps because they now need individually issued tickets for each sector type; the App has to be adjusted to accommodate this. In the meantime **pick up your Boarding Card** at the Valet Parking Desk, Check-in machines or desk or the Lounge. Travellers outside New Zealand are better to use our BWT View Trip which is airline neutral and shows all the airlines on your App that you'll be flying. You can also add your business meetings and social engagements into BWT ViewTrip. Ask any of our Client Relationship Managers in Auckland or Wellington Marie Easton-Myers, Megan Dawson or Jane Higgie about booking with us and accessing BWT ViewTrip.

The team at **Business World Travel** has been on board all the latest generation aircraft – the **Airbus A350** and the **new Air NZ Boeing 787-9**. We were guests of **Airbus** on board the new **Airbus A350** on the Auckland stop of the global route proving tour which took in Frankfurt, Singapore, Hong Kong, Johannesburg, Sydney, **Auckland**, Santiago de Chile, São Paulo, Perth, Doha, Moscow and Helsinki. During the tour, the aircraft flew approximately 151,300 km in some 180 flight hours, with all flights performing on schedule. Interestingly this twin engine aircraft flew the remote southern ocean route between Auckland and Santiago which is normally only the domain of 4 engine aircraft. The A350 is much larger than the A330 and rivals the Boeing 777 family. Launch customers include **Qatar Airways** and **Finnair**.

Over at **Air NZ** the new **Boeing 787-9** is also under testing still and to gain flying hours the Boeing 767 replacement aircraft is being used on some NZ104/NZ103 flights between Auckland and Sydney. Standout in their cabin layout is the **Premium Economy** class which we believe is far superior for taller people to the Boeing 777-300 version and if priced appropriately it will be very popular.

Aloft Hotels is taking on its first **robotic butlers** to deliver items to guest rooms such as newspapers and mobile phone chargers. The **Starwood** boutique brand will introduce two Botlrs next week (August 20) at its property in Cupertino in California's Silicon Valley, which is best known for being home to iconic technology firm Apple. The two robots, which stand about three-feet tall and will be known as ALOs, will be able to use the hotel's elevators to get around the property and deliver items to rooms. The Botlrs have been developed by robotics firm Savioke to perform simple tasks which were previously performed by staff. Instead of tips, the robots accept tweets as a mark of thanks for their service.

Berlin has banned the use of the **Uber** taxi app on 'safety grounds' because city officials believe that the San Francisco based technology firm does not do enough to protect passengers from unlicensed and dodgy drivers. As the service has gotten larger no doubt standards are harder to control. We advise to stick to registered taxis or accredited limo companies!

Considering **skiing** in the US in January or February? Then call any of our Leisure Consultants this week because the advance purchase deals for hotel and ski passes will conclude at the end of August for many ski resorts in the US and Canada.

Calling all Fans of The Hobbit movies and Middle-earth

In preparation for the December 17, 2014, release of **The Hobbit: The Battle of the Five Armies**, Tourism New Zealand and Air New Zealand, in conjunction with New Line Cinema, Metro-Goldwyn-Mayer Pictures and Warner Bros. Pictures, yesterday announced [The Hobbit Fan Fellowship Contest](#) before 6,500 fans at Comic-Con International, an entertainment and comic convention in San Diego.

The contest will see New Zealand become the talk of fantasy enthusiasts around the world, with the call going out globally to find fans keen to take an ultimate Middle-earth journey to New Zealand.

The 75 lucky winners, who can each take a friend, will spend a week journeying to famous filming locations and tourist hotspots throughout New Zealand, culminating in the ultimate experience for every Hobbit fan - a private screening of the final film with Sir Peter Jackson himself. The winners will fly with Air New Zealand, the airline to Middle-earth.

Check out our website at www.bwt.co.nz

Reviewing your Corporate Travel? Call our Team:

Jane Higgie Business World Travel Wellington 04-470 6044 jhiggie@bwt.co.nz

Grant Bevin Business World Travel Auckland 09-529 3700 gbevin@bwt.co.nz



FOR YOUR DIARY

- 8th September – **SelectUSA Attracting Investment, Increasing Employment in the USA breakfast seminar in Auckland**
- 16th September - **Auckland CEO lunch (invite only)**
- 17th September – **Cyber Security briefing with Symantec, Auckland**
- 22nd September - **Going to America - Risks and Rewards: What Export Orientated Companies Need to Understand About IP - Paul Adams, CEO, EveredgelP, Auckland**

MEMBER NEWS

John Gordon

AmCham was saddened to hear of the passing of John Gordon on 29th July. John was the Executive Director of AmCham in Wellington from 1 April 1986 until 31 January 1993 when AmCham relocated from Wellington to Auckland. John remained a key supporter of AmCham over the years and acted for a further decade as our new member manager for the Wellington region. John was a regular attendee at our annual March Wellington receptions, always wearing an AmCham tie.

Former AmCham President and US resident Jim Butts said "This is a sad occasion for many members of AmCham as John was a very loyal supporter and a very efficient Executive Director of the organization. Even in retirement he never missed the annual dinner meeting of the group of former board members lovingly referred to as "AmCham Past".

AmCham Executive Director Mike Hearn and Janet Coulthart representing the US Embassy attended the funeral service.

New Members

Fusion Entertainment (Garmin NZ Ltd), Auckland – **Chris Baird**, Managing Director - Founder in 1998 Fusion are specialists in car audio systems, marine and lifestyle entertainment. Since modest beginnings in New Zealand, subsidiaries have now been established in the UK, USA and Australia, with distribution in over 30 countries and strong growth in far-flung territories such as Russia and Tahiti. The company has recently be acquired by Garmin USA. www.fusionentertainment.com

Matson South Pacific Ltd, Auckland - **John MacLennan**, General Manager - A leader in Pacific shipping, Matson's ocean transportation service is recognized for its industry leading on-time arrival performance and award-winning customer service. Its diversified fleet features four newly-built containerships, as well as combination container and roll-on, roll-off vessels and specially designed container barges. Serving Hawaii continuously since 1882, Matson is uniquely experienced in carrying the wide range of commodities needed to support island economies. www.matson.co.nz

Transport Services & Logistics Ltd, Auckland – **Rodney Leitch**, CEO – import and export transport and logistics provider servicing Australia, Canada, Japan, Thailand and USA. www.tslnz.com

UL International New Zealand, Auckland – **Ken Wilson**, General Manager - global independent safety science company with more than a century of expertise innovating safety solutions from the public adoption of electricity to new breakthroughs in sustainability, renewable energy and nanotechnology. Dedicated to promoting safe living and working environments, UL helps safeguard people, products and places in important ways, facilitating trade and providing peace of mind. www.ul.com

People on the move:

Lowndes Law has appointed Michael Anderson as a Partner covering Banking & Finance and Restructuring & Insolvency Law

Brendon McWilliam has moved to Singapore with Pratt & Whitney with Graham Jack taking over as General Manager of Pratt & Whitney Air New Zealand Services t/a Christchurch Engine Centre

Claire McGowan has been appointed chief executive of Waikato-based business incubator, SODA Inc

Adam Bennett has been appointed Trade Commissioner for the West Coast, USA which is based in San Francisco, where he leads NZTE's Los Angeles and San Francisco teams.

Dr Will Barker has been appointed Chief Executive of NZBio.

Wherescape has appointed US based Mary Tetlow as Chief Marketing Officer.

Minter Ellison Rudd Watts has appointed insurance and negotiation expert Toby Gee as Special Counsel in Wellington

Seeking U.S. University Alums and/or Expo Volunteers

The US Embassy is sponsoring the 2014 EducationUSA Universities Expo to be held in Auckland on Saturday, September 20th from 10:30-3:00pm.

As educational exchange in both directions furthers economic and cultural ties between the United States and other countries, we are working to maintain the tradition of hosting more international students than any other country. New Zealand is an under-recruited pool of

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Supporting
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Seeking US Alum's (Continued from page 7)

students that are both mobile and high achieving. With a significant increase in study in the US last year, we would like to see that number increase. The Expo last year welcomed about 3,000 people, and this year's goal is set at 5,000. Last years success would not have been achieved without the help from volunteers, and this year is no different.

If there are any U.S. University Alums that would like to represent their Alma Mater, we would love to have them. Please email EducationUSANZ@state.gov for more details.

National Geographic seeking contact with Americans who live and work in remote/rural locations abroad

National Geographic is currently researching a new documentary project about Americans who live and work in remote/rural locations abroad and are looking for American subjects in New Zealand. They want to talk to people who are living and working out of the city in more remote areas. In terms of work, they are casting a pretty wide net -- people could run a small business, be a farmer, a pilot, or have a large variety of other business pursuits. If you are interested contact: Erin Krozek, Producer, National Geographic Television

161 Avenue of the Americas, New York, NY 10013, P: 646-205-4148, E: ekrozek@ngs.org

Study participants needed – immigrant entrepreneurs

I am an Auckland University student studying toward my Masters degree under the supervision of Dr Deb Shepherd in the Department of Management and International Business at the University of Auckland Business School seeks study participants.

I was born in Poland and recently, I arrived in New Zealand to continue my education at a postgraduate level. I was attracted to New Zealand by the well-known fact of the entrepreneurial kiwi spirit. From the moment I felt it during the entrepreneurial program (SPARK), I decided that my future goal is to open my own venture in New Zealand. As a new comer I am able to recognize business opportunities in New Zealand. However, as a foreigner, I am aware of the remarkable challenges and barriers that I may face before I would be able to open my own company in NZ. This leads to my research interest of understanding immigrant entrepreneurs living in New Zealand and their pursuit of entrepreneurial opportunity.

I would like to invite you to participate in my research project. If you agree to participate, you will receive summary of the study. This will be a general report on all the data from the study and no individuals will be identified. Also, this research project will provide significant data for academia and for future immigrant entrepreneurs. This may benefit you and improve your knowledge as an entrepreneur.

Participation in the project involves a face-to-face interview of up to an hour of your time. During the interview, we will discuss the following topic areas:

- History/background before you came to New Zealand.
- Your experience as an entrepreneur.
- Your current business – its history and offering.
- Business idea recognition and exploitation.
- The use of resources to convert an idea into a business.
- The challenges and opportunities experienced as an immigrant entrepreneur.

Mr Arkadiusz Zywt, Department of Management and International Business, University of Auckland

Telephone: 021702202 Email: azyw425@aucklanduni.ac.nz



Dr Mary Quinn

Dairy, Digital and Drones: Innovations Creating Our Future THE REEVES LECTURE 2014

Dr. Mary Quinn is an innovator, scientist, challenger and published author.

Having returned home to New Zealand in the last year, as the inaugural CEO of Callaghan Innovation, she is leading the acceleration and commercialisation of innovation by New Zealand's high value manufacturing and services firms.

Dr. Quinn will be speaking for one night about her perspectives on the power of inclusiveness and diversity to spark exciting new ideas in business innovation, and why creative leadership in emerging technology businesses is critical for New Zealand's future.

You will hear from a leader who has spent the last 30 years gathering knowledge from the largest tech companies in the West, and being a vital voice in the fight for women's rights internationally.

She believes there is huge potential in distinctive Kiwi ingenuity, creativity and problem-solving to grow global businesses, and to help bring sustainable solutions to some of the world's most pressing problems.

We invite you to be a part of this memorable public event, hosted by David Slack, and brought to you by Leadership New Zealand, AUT University and Radio New Zealand National.

7.30pm Thursday 28th August AUT University, Sir Paul Reeves Building (WG 403), Governor Fitzroy Place, Auckland Central

Tickets \$30 (plus ticket fee) at www.2014reeveslecture.eventbrite.co.nz

For enquiries call 09 309 3749



LEGAL ISSUES

Norris Legal Consulting – American Law Specialists

In partnership with the Chamber, our objective is to provide Chamber members with information on the complex US legal landscape, which might assist in US-NZ business relationships, and to assist NZ businesses expanding into the lucrative US markets. In our monthly column, we write about legal issues which we deal with in our representation of NZ businesses doing business in and with the US, however, we are also open to suggestions on topics about which members are interested in learning. So, please feel free to email us with your comments, questions and any suggested topics at info@nz-uslegal.co.nz

RETAIL PRICE PROTECTION WHEN ENTERING THE US' COMMERCIAL MARKETS

It's always a good idea to create and maintain a unified pricing strategy when taking your goods to market in the United States. However, protecting your retail price is more difficult than one might imagine. Unless you are acting as the actual retailer yourself, it is very difficult to dictate the retail price at which independent distributors or retailers (ie "stockists") will sell your goods.

Anti-trust laws often prohibit a manufacturer and/or distributor from setting a Required Minimum Retail Price. It appears that in New Zealand, resale price maintenance is illegal under the Commerce Act. It also appears that in Australia, it is illegal under the Competition and Consumer Act of 2010. The policy theory behind these laws is that the end-user consumer's interest in purchasing low prices exceeds the manufacturer's interest in setting a minimum price, and that, therefore elimination of these so-called "vertical restraints" will promote competition and efficiency.

However, in the United States, the US Supreme Court (which has ultimate authority to interpret US law) has issued an opinion finding that Retail Price Protection as a vertical restraint is not in fact anti-competitive and does not violate the US' Federal anti-trust laws. See *Leegin Creative Leather Products Inc v PSKS, Inc*, 551 US 877 (2007). Prior to *Leegin*, all price restraints were held to be illegal per se. This change in interpretation of US anti-trust law by the US Supreme Court came about by the influence of the "law and economics" theory of the Chicago School of Law on several of the more conservative members of the Court.

Essentially, the US Supreme Court found that a manufacturer's and/or distributor's contractual requirement for its retailers to sell goods above a required minimum retail price did not always affect competition negatively. In fact, it sometimes protected the consumer by allowing manufacturers of competing goods to continue manufacturing those goods, because retail price restraints prevent deep discounts by uninterested retailers which hampered the manufacturer's ability to continue production. Accordingly, the US Supreme Court applied a "rule of reason" test for all such vertical price restraints (basically asking whether the retail price restraint is reasonable given a totality of the circumstances).

Intriguingly, the US Supreme Court's decision only applied to US Federal anti-trust law, leaving untouched the US states' rights to create their own anti-trust legislation. In reaction to the *Leegin* decision, several major states (including but not limited to California, Texas and New York), enacted legislation which reaffirmed the prohibition against retail price restraints. The enactment of this sort of anti-trust legislation in these states that are the major population centers in the US effectively limits the application of the *Leegin* doctrine. This makes for a confusing legal landscape.

What does this mean for Kiwi businesses selling their products in the US? It means that you are only allowed to have a Required Minimum Retail Price in specific states. It also means that you will need to develop some specific business and legal *work-arounds* to maintain limited control over the retail price of your goods in those US states which prohibit retail price control. This can be achieved through the use of contractual provisions which incorporate specific legal terms known as the *Colgate* clause as well as the Minimum Advertised Pricing clause. These strategic contractual provisions must be artfully and carefully drafted by experienced US legal counsel.

- Zachary D. Norris, JD, LL.M. and Ada Echetebe, JD, LL.M.

**This article is for general informational purposes only and does not constitute legal advice, nor should it be construed as constituting any legal advice from Norris Legal Consulting, The Norris Law Firm or any of its affiliated lawyers. For specific analysis of your US legal issues, please contact the attorneys at Norris Legal Consulting at +64 (0)9-889-2602 or visit us on the web at <http://nz-uslegal.co.nz/>*



Supreme Award Winners 2014
 Team from (Orion Health) with Wayne Oxenham
 (Orion Health) with Hon Steven Joyce -
Exporter of the Year over \$5m



AmCham Supporter of the Year – Debby Barry &
 Dr Geoff Perry, AUT, Corallie Eagle & Gary Lang-
 ford, Eagle Technology, Mike Hearn, AmCham



Awards judges with AmCham President – Wes
 Jones, Baldwins, Stephen Titter, Hahei Consulting,
 Derek Syme, Citibank, Ross Mathieson, Insight
 Systems, Alex Broughton, BusinessIQ



Investor of the Year to or from the USA, Dwayne
 Jones (ASB) and Victoria Crone (Xero)



Importer of the Year from the USA, Greg
 Hedgepeth (BMW) accepts award from Marie
 Damour (US Charge D'Affairs)



Eric & Kathy Hertz Award for Citizen Diplomacy
 Fulbright – Samantha Gaunt, 3M, Mele Wendt,
 Fulbright, Mathew Bolland, 2Degress Mobile



Exporter of the Year to the USA under \$500,000 -
 Wes Jones, Baldwins, Steven Rentata, Kiwa
 Digital, Hon Steven Joyce



Exporter of the Year to the USA \$500,001 to \$5m
 Sarah Paterson, Fonterra Co-operative Group, Tim
 & Dan Alpe, Jucy Group, Hon Steven Joyce