



C5

Business Information in a Global Context

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16th – 17th March 2017 | Grand Hotel Kempinski | Geneva, Switzerland

11th Edition

FRAUD, ASSET TRACING AND RECOVERY GENEVA

Europe's Leading Conference on Civil Fraud Investigations, Litigation and Asset Recovery

Key Themes for 2017

- **Pressure and Threat in Fraud Litigation:** its Usefulness, Legal Boundaries and Constraints
- Case Study – Lifting the Lid on the **1MDB Scandal**
- **The European Account Preservation Order** Goes Live – What to Expect
- Recovery Action by a **Failed State**
- Not 'if' but 'When': Countering the Growing **Cyber-Fraud** Menace
- **Non-Lawyer Client Privilege** – A Comparative View
- **Insolvency** Proceedings as a Tool for Asset Recovery

Plus! New for this Year:

Pre-conference

Corporate Fraud Focus Afternoon

Steve Young

Group Compliance, Head of Fraud & Investigations
Lombard Odier & Cie SA (Switzerland)

Chaired By:



Robert Hunter

Partner
Edmonds Marshall McMahon



Keith Oliver

Head of International
Peters and Peters

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“ World class ”

– David Alexander, Partner
Smith & Williamson

Fraud litigation and asset recovery are multifaceted, and require not only highly specialised knowledge, but the ability to operate simultaneously and seamlessly across jurisdictions by applying common and civil law litigation tools and tactics. To be successful in today's highly challenging environment, practitioners need both an up to the minute awareness of the tools at their disposal in each jurisdiction, as well as the contacts on the ground.

In what is the biggest gathering of its kind, **C5's Fraud Geneva conference** is an **essential must-attend event** in the calendar of fraud lawyers and asset recovery specialists. No other conference in Europe has as many experienced practitioners in attendance in this area to share their expertise and insights. Coupled with the depth of highly specialised content, it offers you unique learning and networking opportunities.

Top reasons to attend:

- Be part of a truly flagship international forum attended by top practitioners from more than **24 jurisdictions**
- Share recent experiences and benchmark your strategies with those involved in some of the **biggest global fraud cases and investigations**
- Experience a **live debate** on the topic "Get it off your Chest! What Upsets Lawyers Most about Fraud Litigation?"
- **Minimise costly pitfalls** by learning from the latest "war stories" of the leading asset recovery specialists
- A unique opportunity to build **new contacts** and form lasting professional relationships: join your peers at the networking drinks reception, the informal dinner and on the ski slopes after the event!

This exclusive event is expected to sell out once again. Register right now to reserve your space

Choose your Registration Method

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FRAUD, ASSET TRACING AND RECOVERY

THE GLOBAL SERIES



Fraud, Asset Tracing and Recovery Geneva

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Fraud, Asset Tracing and Recovery Asia

5-6 June 2017 | Hong Kong

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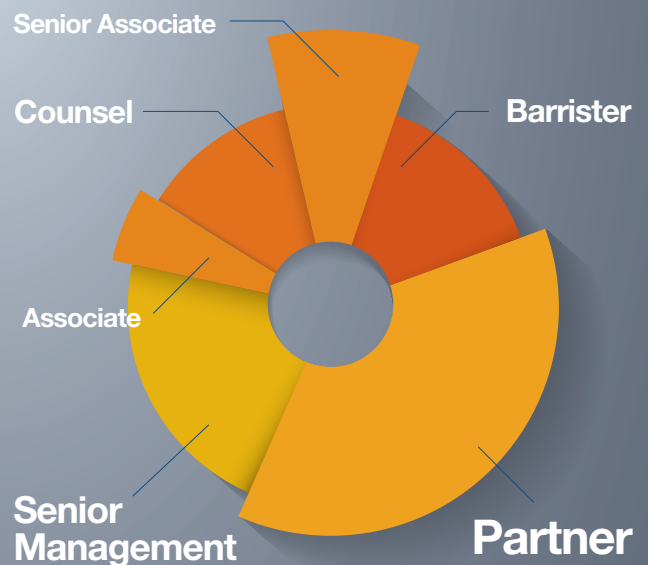


Fraud, Asset Tracing and Recovery Miami

25-26 September 2017

c5-online.com/FraudMiami

Participant Breakdown By Title



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The **C5 Group**, comprising The Canadian Institute, American Conference Institute and C5 in Europe, is a leading global events and business intelligence company.

For over 30 years, **C5 Group** has provided the opportunities that bring together business leaders, professionals and international experts from around the world to learn, meet, network and make the contacts that create the opportunities.

Our conferences and related products connect the power of people with the power of information, a powerful combination for business growth and success.

Pre-Conference Corporate Fraud Focus Afternoon

WEDNESDAY 15 MARCH 2017 (12.30 - 17.00)

Sponsored by



This separately bookable focus afternoon has been specifically developed for internal auditors, fraud investigators and in-house counsel from corporations and financial institutions and will tackle the unique challenges that they face in the areas of incident response, conducting fraud investigations and asset recovery.

12:30

Registration and Coffee

12:45

Developing a Workstream Based Model to Respond to Fraud Incidents

Steve Young

Group Compliance, Head of Fraud & Investigations
Lombard Odier & Cie SA (Switzerland)

This session will look at how banks and other institutions have developed a workstream model to respond to fraud incidents within their organisations. Using a hypothetical case study it will examine how the model would work in practice from start to finish. Topics which will be covered during the session include the management of the investigation and where in the organisation the ownership of the investigation can sit (e.g. internal audit, legal, risk or compliance) governance of the investigation (in particular reporting lines), external legal and forensic support, data recovery, analysis and the disclosure process.

2:45

Refreshment Break

3:00

What are the Factors that Companies need to Consider when Deciding Whether to Pursue Legal Remedies to Recover the Proceeds of Fraud?

Edward Smethurst

Managing Director
Prosperity Law (UK)

- The decision making process
- When do you need to bring in external expertise and at what point during an investigation?
- Weighing up the costs of evidence gathering
- Risk vs Reward
- Civil vs Criminal remedies
- Effective costing – understanding the hidden costs of investigations

4:00

Managing Cross Border Investigations and Litigation

Gavin Williamson

Partner, Forensic Services
BDO (UK)

Cross-border investigations and litigation can bring about a number of legal and regulatory issues for companies including disclosure, privilege and data privacy. This session will focus on the key areas that need to be considered when managing the process.

4:45

Q&A

- Legal tests of pressure and its permissible limits.
- The effect of pressure on judgement and decision making.

Using interactive voting, video clips and research from disciplines other than law, the talk will consider the impact of pressure and the stakes litigants and witnesses face. It will also address whether we can learn from how pressure is exerted in many frauds to organise our law firms more effectively.

9:40

Recent Developments in Disclosure in Fraud Actions

Jane Colston

Partner
Brown Rudnick LLP (UK)

Mona Vaswani

Partner
Allen & Overy LLP (UK)

The data explosion means the use of technology must be embraced to ensure data doesn't overwhelm (with key evidence being buried) but is exploited in order to combat fraud. This session will look at recent developments in disclosure and technology in Fraud actions including:

- Tips and tricks re disclosure
- Interim applications including against Yahoo and the like
 - » Tactics and Disclosure in applications to adjourn trial
- Adverse inferences
- Developments in IT including in Court and using these to your advantage

Main Conference Day One:

16 MARCH 2017

8.00

Registration and Networking Breakfast

Hosted by

**LITTLETON
BARRISTERS**

8.45

Chair's Opening Remarks

Robert Hunter

Partner
Edmonds Marshall McMahon (UK)

9.00

Pressure and Threat in Fraud Litigation: its Usefulness, Legal Boundaries and Constraints

Robert Hunter

Partner
Edmonds Marshall McMahon (UK)

As fraud lawyers, we learn to judge pressure, threats and their permissible boundaries. Yet our jurisdictions differ enormously as to what might constitute an impermissible threat or improper pressure.

The talk will address:

- Suggestibility and vulnerability – are they characteristic or matters of choice?

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10:20

Switzerland as a Jurisdiction for Asset Recovery

Benjamin Borsodi
Managing Partner
Schellenberg Wittmer
(Switzerland)

Philippe Knupfer
Prosecutor **Section of Complex
and Financial Matters, Geneva**
(Switzerland)

This session will feature a panel with two leading Swiss Prosecutors covering topical issues in criminal enforcement, asset recovery, confiscation, judicial cooperation and interaction with enforcement agencies.

- Is Switzerland at the forefront of the global fight against corruption, money laundering and other financial crimes?
- How is the intervention of the injured party (and its counsel) perceived by prosecutors?
- Prosecuting or settling: are both options always on the table?
- Corporate criminal liability: all quiet on the Swiss front?
- Upcoming challenges in combatting white-collar crime and related areas

11:00

Morning Refreshments

11:30

Case Study – Lifting the Lid on the 1MDB Scandal

Saverio Lembo
Partner – Head of White Collar
Crime Department
Bär & Karrer (Switzerland)

Manoj Sandrasegara
Partner, Joint Head - Restructuring
& Insolvency Practice
Wong Partnership (Singapore)

Lim Chee Wee
Partner
Skrine (Malaysia)

This case study will examine the global investigations into fraud, embezzlement and money laundering at Malaysia's state development fund 1MD in which an alleged £2.6bn was misappropriated. The session will look at the US Department of Justice's efforts to seize more than £761m in assets from various jurisdictions making it the largest ever recovery effort by the Justice Department's anti-corruption unit.

- Actions taken against Swiss banks by prosecutors and Regulatory Bodies
- Criminal charges against Singapore private bankers including allegations of forgery
- Proceedings in Switzerland, Singapore and mutual assistance

12:15

Recovery Action by a Failed State

Ed Davis
Founding Shareholder
Astigarraga Davis (USA)

Charles Sorensen
Advocate
Baker and Partners (UK)

Gervase MacGregor
Head of Advisory
BDO (UK)

- Obstacles to recovery in failed states
- Mechanisms for tracing and recovering public funds
- Asset forfeiture vs civil enforcement vs insolvency
- Liability of aiders and abettors

13:00

Networking Luncheon

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14:15

Insolvency Proceedings as a Tool for Asset Recovery

Moderator
Dominic Offord
Partner
Browne Jacobson LLP (UK)

Lionel Tay
Partner Restructuring & Insolvency
Rajah & Tann Singapore LLP

Paul Gully-Hart
Partner
Schellenberg Wittmer
(Switzerland)

Karyn Harty
Partner
McCann FitzGerald (Ireland)

Marcus Pallot
Partner
Carey Olsen (Jersey)

Mark Shaw
Partner
BDO (UK)

- The increasing use of insolvency proceedings to recover assets and preserve evidence of wrongdoing
- Powers of trustee or receiver to obtain disclosure of evidence from third parties
- The use of court appointed administrators
- What other claims and damages can be obtained in liquidation/ insolvency scenarios that are not available in breach of contract or restitution cases?
- Recognition of a foreign bankruptcy and ancillary bankruptcy proceedings
- Recognition and enforcement of insolvency orders made in the course of judicial management, receivership and liquidation across different jurisdictions, with specific focus on asset recovery and tracing within Asia

15:15

Afternoon Refreshments

15:40

Bribery: Does Size Matter?

Philip Edey QC
20 Essex Street (UK)

Robert F. Amaee
Partner
**Quinn Emanuel Urquhart &
Sullivan LLP** (UK)

Andrew Fulton
Barrister
20 Essex Street (UK)

Mo Bhaskaran
Partner and Head of the
Commercial Litigation
Stewarts Law LLP (UK)

- English law theory & the approach in practice
- Types of payor and payee
- Inferences and evidence
- Treatment by regulators and prosecutors

16:40

Not 'if' but 'When': Countering the Growing Cyber-Fraud Menace

Gary Miller
Partner
Mishcon de Reya LLP (UK)

John Riggi
Head of Cybersecurity and
Financial Crimes Unit
BDO (USA)

- The critical first 24hrs: how to respond to a cyber-attack
- Law enforcement
- Reputation management
- Practitioner
- Accountant

17:30

Chair's Closing Remarks and End of Day One

17:45

Networking Drinks Reception

19:30

Official Conference Dinner Organised by C5.

(The dinner will be taking place in Cave des Vollandes and is separately bookable. For more details please visit our website)

Main Conference Day Two

17 MARCH 2017

8:00

Networking Breakfast

Hosted by

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BARRISTERS

9:00

Chair's Opening Remarks

Keith Oliver

Head of International
Peters and Peters (UK)

9:15

Fraud Litigation in the Middle East: Do's and Don'ts

Moderator

Keith Oliver

Head of International
Peters and Peters (UK)

Panellists

Mohammed Al Dahbashi
Managing Partner
Mohammed Al Dahbashi
Advocates & Legal Consultants
(UAE)

Adrian Flook
CTF Communications (UK)

Ravinder Thukral
Associate - Litigation & Arbitration
Brown Rudnick (UK)

Peter Gray

Partner
Kingsgrove Partners (UAE)

- Civil and criminal issues
- Transporting of Judgments
- Enforcing in the DIFC and UAE
- Criminal Liability – Interpol and parallel jurisdiction
- Reputational issues in Middle East jurisdictions

10:15

Conspiracy Claims in International Commercial Fraud Cases

Charles Samek QC

Littleton Chambers (UK)

- What counts as “unlawful means” in conspiracy by unlawful means claims? Can breaches of court orders constitute “unlawful means”?
- Is a claim in “lawful means” conspiracy ever viable in fraud cases?
- Service of English proceedings out of the jurisdiction on non-English defendants under the Judgments Regulations (44/2001 & 1215/2012) and Lugano Convention: where is the place of the “harmful event” in tortious claims?

The above issues will be addressed by reference also to recent cases including AMT Futures v Marzillier, Actial Farmaceutica LDA v De Simone & JSC BTA Bank v Ablyazov

10:45

Morning Refreshments

“Excellent community of experts and extroverts”

– Steve Holt, Head of Financial Investigations,
K2 Intelligence

11:05

Intermediary Liability and Knowing Assistance Claims against Banks

Clive Freedman QC
7KBW (UK)

Elizabeth Jones QC
Serle Court (London)

- The role of facilitators and intermediaries in fraud and their potential liability
- The use of fraud, deceit, knowing assistance and negligence as potential causes of action
- What are the key considerations when pursuing these parties?
- What do you have to prove in knowing assistance cases against banks?
- Collective actions against banks, comparing the UK and US approaches

11:50

Keynote Address: A View from the Bench on Extradition in Fraud Cases

District Judge John Zani (UK)

12:10

Non-Lawyer Client Privilege: A Comparative View

David Scorey QC
Essex Court Chambers (UK)

Olivier Gutkès
Partner
Gutkès Avocats (France)

Marc Henzelin
Partner
LALIVE (Switzerland)

What is necessary to protect your client from disclosure of its discrete communications when sharing information to non-lawyer internal and third parties? The session will share experiences of different jurisdictions (including common, civil law, US) by reference to recent case law.

- Protection of confidentiality of telephone calls between attorney and in house lawyer
- Protection of confidentiality of emails:
 - » Possibility for the French police to read the emails before discussion about privilege;
 - » Non confidentiality of the emails when the attorney is just copied

12:45

Networking Luncheon

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14:00

The European Account Preservation Order Goes Live – What to Expect

François Kremer (invited)
Partner, Dispute Resolution
Arendt & Medernach SA
(Luxembourg)

Juergen Taschke
Partner
DLA Piper (Germany)

Sophie Eyre
Partner
Bird & Bird (UK)

On 14 May 2014 the EU Regulation 655/2014 came into force and will apply from January 18, 2017 establishing a European Account Preservation Order (EAPO) procedure that will allow a creditor to freeze a debtor's bank accounts anywhere in the EU, except for Denmark and the UK which have opted out.

- How attachment will work in different jurisdictions across the EU
- Requirements for pre-judgment security
- Banks rights of set-off
- How EU branches of UK banks can be affected by EAPOs
- Making use of EAPOs and their likely impact in cross-border asset recovery cases

15:00

The Impact of Brexit on Fraud Litigation

Speaker TBC

- How parallel proceedings between the UK and an EU member state may be dealt with
- What will happen with regards to injunctive relief?
- How will enforcement of judgments work in practice?
- Potential models which would replace the Brussels I Regulation
- Relevant considerations with existing cases

15:30

Debate: Get it off your Chest! What Upsets Lawyers Most about Fraud Litigation?

During this interactive session, practitioners from a range of jurisdictions will share some of the most common problems they encounter during fraud litigation and asset recovery as well as the possible solutions.

16:00

Chair's Closing Remarks and End of Conference

Benchmark and Network With:

Arendt & Medernach SA

Astigarraga Davis

Bär & Karrer

BDO LLP

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LALIVE

Littleton Chambers

Martin Kenney & Co., Solicitors

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7KBW

20 Essex Street

“Excellent balance between learning and networking opportunities”

– Steve Holt, Head of Financial Investigations, K2 Intelligence

“My first C5 Fraud conference – very impressed. Interesting topics, good networking, top quality attendees”

– Gavin Foggo, Head of Litigation and Dispute Resolution, Fox Williams LLP

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For more details visit our website.



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Civil fraud is a truly multi-disciplinary subject. Successful pursuit or defence of fraud claims requires the ability to bring together different disciplines, including company, insolvency, banking and finance and conflict of laws, often on the basis of great urgency and in multiple jurisdictions. But above all, it requires top-level litigation and advocacy skills. 20 Essex Street is a leading and long-established set of commercial barristers chambers whose members are first and foremost trial lawyers. Strategic expansion over the last three years enables us to offer the full breadth and depth of legal expertise necessary for the successful conduct of large complex fraud cases, both internationally and domestically.

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Astigarraga Davis

Astigarraga Davis is a specialized commercial law firm with a practice focused on asset recovery and financial fraud (representing victims of fraud and corruption), bankruptcy and creditors' rights litigation (representing banks and other creditors), and international litigation and arbitration. Our firm has located and pursued fraudsters who have victimized governments, financial institutions, private entities and individuals.



7KBW

7KBW barristers have appeared in the most significant, high profile and high value civil fraud cases of recent times. Cases like Excalibur Ventures v Texas Keystone, Republic of Djibouti v Boreh, Orb v Ruhan and VTB v Nutritek attest Chambers' growing and enviable reputation dealing with cross-border and domestic disputes.



Baker & Partners

Baker & Partners is a Jersey law firm specialising in civil & commercial litigation, contentious trusts, financial services regulation, crime, international co-operation & asset recovery. The firm has been involved in many highly complex cases involving cross-border crime. These cases have included the most serious instances of political corruption, large scale fraud, drug trafficking and money laundering. The firm are instructed by the Federal Republic of Brazil and in November 2012 successfully sought judgment in a civil fraud action to recover US\$10.5million from a major fraud that was operated for the benefit of, amongst others, Paulo Maluf, the former Mayor of Sao Paulo.



brownejacobson

Browne Jacobson is a full service UK law firm, with considerable experience in cross-border fraud work. We advise stakeholders in numerous high profile frauds, particularly in the financial services sector, including the Trustee of Bernard Madoff in relation to his English, European and Commonwealth claims and Bruno Iksil, the "London Whale".



Brown Rudnick

Brown Rudnick, an international law firm with offices in the United States and Europe, represents clients from around the world in highstakes litigation, international arbitration and complex business transactions. With relentless focus on our clients' objectives, we provide business-focused solutions that address today's ever-changing, ever-demanding competitive marketplace.



Carey Olsen

Carey Olsen is a leading offshore law firm advising on BVI, Cayman Islands, Guernsey and Jersey law. We have a large dispute resolution and litigation team established in each of these jurisdictions and in 2016 we opened a dispute resolution and insolvency office in Hong Kong to service our Asian clients. We also have offices in London, Singapore and Cape Town and employ over 360 people, including 49 partners and over 200 lawyers. For further information on how we can help please visit www.careyolsen.com



LALIVE

LALIVE is an international law firm, with offices in Switzerland and Qatar (LALIVE IN QATAR LLC). The firm provides strategic, tactical and transnational representation to States, corporations and individuals around the world in all areas of fraud, asset tracing and recovery. It is renowned for its expertise in international dispute resolution, in particular arbitration and civil litigation. Furthermore, it has long standing experience in highly complex governmental investigations and mutual judicial assistance proceedings. Members of the team are ranked among the world's leading practitioners in these areas.



McCann Fitzgerald

McCann FitzGerald is one of Ireland's premier law firms. We provide the highest quality legal advice and representation to Irish and overseas clients. Our clients are principally in the corporate, financial and business sectors and we also advise government entities and many state bodies, pension funds, educational and charitable institutions and trusts.

The firm is owned by the partners and comprises some 69 partners and 350 lawyers and professional staff. We are based in Dublin (our principal office), London and Brussels (we are the only Irish law firm to have an office at the EU's principal base).



Mishcon de Reya

Mishcon de Reya is a law firm with offices in London and New York. We have the largest dedicated group of international injunction specialists in the UK. Wherever possible we seek pre-emptive relief to locate and freeze assets and preserve evidence. We fiercely guard our clients' interests, because for us it's business but it's personal.



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Essex Court Chambers is a leading set of barristers' chambers, specialising in commercial, international and public law. Members advise and act in a broad range of litigation, arbitration and dispute resolution worldwide, including commercial fraud, asset tracing and recovery.



Registration Breakfast Sponsor

Littleton Chambers has been at the forefront of international commercial fraud dispute resolution for many years. Its leading QCs and junior barristers have appeared and continue to act for clients from all over the world in many of the leading cases in England – from the seminal Dadourian Group v Simms litigation to the ongoing multi-billion dollar BTA Bank v Abyazov litigation. Littleton barristers are dedicated to serving their clients as effectively as possible and have a long-standing and first-class reputation for intellectual rigour, and compelling and effective advocacy in all types of commercial, fraud and asset tracing litigation, both in England and internationally.

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This year marks 30 years since the inception of C5 Group. It is time to match our brand with the dynamic strides we have made.

16th – 17th March 2017 | Grand Hotel Kempinski | Geneva, Switzerland11th Edition

FRAUD, ASSET TRACING AND RECOVERY GENEVA

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2 Select your Level of Engagement

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 I confirm I have read and understood the terms and conditions of registering for this event

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Date: 17 – 18 March 2016
Time: 8:00 – 17:40
Venue: Grand Hotel Kempinski Geneva
Address: Quai du Mont-Blanc 19, 1201, Genève, Switzerland
Telephone: +41 22 908 9081

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An allocation of bedrooms is being held for delegates at a negotiated rate until 15 January 2016.

To book your accommodation please call Venue Search on tel: **+44 (0) 20 8541 5656** or e-mail beds@venuesearch.co.uk. Please note, lower rates may be available when booking via the internet or direct with the hotel, but different cancellation policies will apply.**Registration Code** S10-643-643L17.S

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Payment must be received in full by the conference date to ensure admittance. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to 2 or more individuals employed by the same organisation, when registering at the same time.

Delegate Substitutions and Cancellations

You must notify us by email at least 48 hrs in advance of the conference if you wish to send a substitute participant. If you are unable to find a substitute, please notify us in writing no later than 10 days prior to the conference date. All cancellations received will be subject to a cancellation fee of £250. Delegates opting to receive a credit voucher will receive a credit for the full amount paid, redeemable against any other C5 conference in the next 12 months.

No credits or refunds will be given for cancellations received within 10 days of the conference start date. Delegates may not "share" a pass between multiple attendees without prior authorisation. No liability is assumed by C5 for changes in program date, content, speakers or venue. C5 reserves the right to cancel any conference it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants.