

CHRISTOPHE HERY

Lawyer at Paris Bar

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Bio

Christophe Héry mainly assists the legal departments of French or foreign groups or the general management teams of SME-SMIs with commercial settlements and disputes relating primarily to distribution law, competition law, intellectual property law and new technologies (particularly e-commerce and processing of personal data). He is registered with the Paris Bar.

Christophe works especially with key players in the pharmaceutical, cosmetics, food-processing, high-tech and distribution (fashion, FMCG and retail) sectors.

He began his career in the legal department of the Nexans Group. He continued to practise distribution and competition law in litigation and commercial settlement cases for several business law firms as a partner with CL&A, Lmt Avocats and later Brunswick Avocats. Christophe co-founded Altair Avocats in January 2019.

He has developed particular expertise in managing international disputes (through the courts and in arbitration settings) and negotiating transnational contracts. He holds a Master's in business law / international law and a Master's 2 in international private law / international trade law (University of Paris I Panthéon-Sorbonne) and has also studied at The Hague Academy of International Law (Netherlands) and the University of San Diego. He has been recognised as a specialist in International and European Law by the Paris Bar.

Christophe has served as Vice Chair of the International Contracts Committee of the American Bar Association - Section of International Law (ABA - SIL) and has also been involved with the Association Internationale des Jeunes Avocats (AIJA), in particular its Executive committee and the Distribution Commission. He is a member of the International Distribution Institute (IDI) and Legalmondo.

Christophe speaks regularly at conferences in France and abroad and publishes articles in specialist journals and on the internet.

Languages :

- French
- English

Areas of expertise

- Distribution et competition
- New Technologies and Data
- intellectual property
- Health / Pharma
- Business litigation

Deals, Publications et Seminars :

Deals

- Advice to the research laboratory **Atonco** on negotiating a licensing and worldwide development agreement with the Australian group **Telix Pharmaceuticals Limited** to develop a treatment for bladder cancer. <https://telixpharma.com/news-media/>
- Advice to **Hydrogène de France, HDF**, (Bordeaux) on negotiating a comprehensive technology transfer agreement with the Canadian group **Ballard Power Systems** ([Vancouver](https://www.usinenouvelle.com/article/comment-hydrogene-de-france-va-produire-des-piles-a-combustible-geantes-a-bordeaux.N912044), British Columbia), to assemble high-power (over 1 MW) fuel cells in France, used to store electricity generated from renewable sources (solar or wind power) <https://www.usinenouvelle.com/article/comment-hydrogene-de-france-va-produire-des-piles-a-combustible-geantes-a-bordeaux.N912044>
- Advice to the **Médiaperformances** Group on setting up a **ShopAdvisor** joint venture with the Spanish group **BVS**, to make it a French leader in shopper marketing. <https://mediaperformances.net/news/lancement-de-la-plate-forme-davis-clients-shopadvisor/>
- Defence of a French laboratory and world leader in its specialist field, against its former Algerian distributor and agent, resulting in two judgments from the Paris Court of Appeal, dismissing their claims for compensation on the grounds of sudden and unlawful termination of their contract

Arbitration and international litigation

- France – [Sudden termination of international contracts: How to master sudden termination](#), Legalmondo, December 2019
- [Le droit applicable à la rupture brutale de relations commerciales internationales](#), Actualité Distribution/Concurrence, October 2018
- [Rupture brutale de relations commerciales et détermination du juge internationalement compétent](#), Actualité Distribution/Concurrence, March 2017
- “Litigating for your distribution right: how to select the best forum?: the French example”, AIJA-IBA/SIL seminar, 2016, speaker
- “Brussels I recast (EU regulation 1215/2012) jurisdiction and enforcement of judgments in the EU: what’s new for EU and non-EU litigators?”, PLG seminar, 2015
- “The Corman Collins case: the likening of a distribution contract to a service contract and its impact on jurisdiction rules”, IDI seminar, 2014, speaker
- “The new French law on international arbitration (French decree of 13 January 2011)”, arbitration law newsletter, AIJA, Spring 2011
- “The new French rules on international arbitration”, PLGs seminar, 2011, speaker

Distribution, agency, franchising and sales

- [Reciprocal breaches by the agent and its principal. Who wins ?](#), January 2020
- Which contract for your international development ? BCI Workshop, January 2020
- [Comment établir la réticence dolosive du vendeur ?](#) Expression, September 2019
- [Clause de non réaffiliation et loi Macron](#), Expression, March 2019
- [Le droit à commission de l'agent commercial](#), Expression, January 2019
- [Comment négocier un contrat de distribution export](#), Food Loire workshop, November 2018
- [Secret des affaires et franchise](#), Expression, September 2018
- [Secure your international distribution contract: the quiz!](#) International Open Conference, Bretagne Commerce International - BCI, July 2018
- L'état de faiblesse du mandant : un risque civil et pénal pour l'agent immobilier, Expression, June 2018
- [L'impact de la réforme du droit des contrats sur les contrats de distribution](#), Actualité Distribution/Concurrence, May 2018
- [La faute grave de l'agent commercial découverte après la fin du contrat](#), Actualité Distribution/Concurrence, March 2018
- [L'effectivité de l'information précontractuelle du franchisé doit être contrôlée par les tribunaux](#), Expression, March 2018
- [Vente en ligne sur des plateformes tierces et distribution sélective](#), Actualité Distribution/Concurrence, December 2017
- [L'obligation d'information précontractuelle du concédant et du franchiseur](#), Actualité Distribution/Concurrence, November 2017
- [Franchise Networks and the employment act](#), Legalmondo, October 2017
- [Distribution of pharmaceuticals products in Europe: A changing environment ?](#), AIJA, October 2017
- [Du nouveau en distribution sélective](#), Actualité Distribution/Concurrence, September 2017
- [La nullité relative du mandat incomplet](#), Expression A-L, June 2017
- [Agent commercial : faute grave et devoir de loyauté](#), Actualité Distribution/Concurrence, June 2017
- "Le risque de requalification de l'agent commercial en salarié", Expression, January 2017
- "Adapter votre contrat d'agent commercial à l'international", Bretagne Commerce International, Quimper and Rennes seminar, December 2016
- "Comment rédiger des CGV à l'export", Bretagne Commerce International, Brest and Saint-Brieuc seminars, November 2016
- "Les réseaux de franchise face à l'instance de dialogue social", Expression, September 2016
- "Les différents schémas de développement à l'international", International Open, Bretagne Commerce International, 2016, speaker
- "The French contract law reform", International commercial transactions, franchising and distribution committee newsletter, American Bar Association-SIL, summer 2016
- "L'impact de la réforme du droit des contrats sur les contrats de franchise", Expression, July 2016
- "Selling and acquiring a franchise network", Franchise seminar, October 2015, speaker
- "The distribution of pharmaceuticals and medical devices", AIJA conference 2015, national report (award for best national report)
- "Kit de survie pour la négociation d'un contrat de distribution internationale", International Open, Bretagne Commerce International, 2015, speaker
- "Le pouvoir de négociation de l'agent commercial", Expression, 2015

- “Atelier sur la vente internationale”, International Open, Bretagne Commerce International, 2014, speaker
- “La distribution internationale”, CC&I Centre International seminar, 2013
- “International sale of goods: how to terminate a contract in accordance with CISG?”, Quebec Bar Conference/ABA Section of international law, 2013
- “The termination of commercial agency contracts: special v. ordinary rules”, distribution law newsletter, AIJA, 2012
- “Le cadre contractuel de la vente internationale”, CC&I Paris and CC&I International Centre seminars, 2012
- “International sale of goods - contractual clauses: the termination of the contract”, International contract academy on retail, 2012
- “Les conditions générales de vente export”, CC&I Côtes d’Armor-Bretagne Ecobiz seminar, 2012
- “La vente à l’export”, CC&I International Centre seminar, 2012
- “Hardware and software bundled sales in the light of the 2005 EC Unfair commercial practices directive”, distribution law newsletter, AIJA, Autumn 2011
- “Distribution: the costs of terminating the contract under French law, seminar on distributing in Europe: is the EU an even ground?”, AIJA seminar, 2011
- “International works sub-contracting : foreign subcontractors saved by French law”, distribution law newsletter, AIJA, 2011
- “Droit à commissions : quand naît-il ?”, Expression, August 2011
- “Le négociateur indépendant est-il nécessairement un agent commercial”, Expression, June 2011
- “Commission agents in the retail business: the (French) never-ending story”, distribution law newsletter, AIJA, 2011
- “Expanding business abroad: how to help clients play internationally”, AIJA seminar 2010, organiser and speaker
- “Show me the goods first: securing international trade transactions”, AIJA conference, 2010, national rapporteur
- “Pre-contractual information obligations in French commercial contracts”, distribution law newsletter, AIJA, Summer 2010
- “The moving and uncertain boundaries of the commercial agent status”, distribution law newsletter, AIJA, Spring 2010

Competition and restrictive practices

- [France – Ban of online sales for distributors](#), Legalmondo, December 2018
- [Un fournisseur peut-il interdire à ses distributeurs agréés la vente de ses produits sur internet : Le point après la Décision Stihl](#), Actualité Distribution/Concurrence, November 2018
- [Rupture brutale de relations commerciales établies : le quiz !](#), AFJE workshop, October 2018
- [E-commerce, prix de revente imposés et algorithmes](#), Actualité Distribution/Concurrence, July 2018
- [EU geoblocking ban – New strategy for e-commerce websites](#), Legalmondo, June 2018
- [Distribution exclusive, restriction territoriale et geoblocking](#), Actualité Distribution/Concurrence, April 2018
- [La réparation du préjudice économique](#), Actualité Distribution/Concurrence, February 2018
- [L’appréciation du caractère établi des relations commerciales](#), Actualité Distribution/Concurrence, September 2017
- [Conditions catégorielles de vente et politique commerciale différenciée](#), Actualité Distribution/Concurrence, July 2017

- [Les nouvelles règles favorisant l'indemnisation des victimes de pratiques anticoncurrentielles](#), Actualité Distribution/Concurrence, April 2017
- "Le prix, résultant de la négociation commerciale, peut être contrôlé par le juge sur le fondement du déséquilibre significatif », Actualité Distribution/Concurrence, February 2017
- "Nouvelles règles en matière de transparence tarifaire et de pratiques restrictives de concurrence", Actualité Distribution/Concurrence, January 2017
- "La loi Macron et les réseaux de franchise", Expression, November 2015
- "L'action de groupe : quels sont les risques réels pour les professionnels ?", Expression, January 2015
- "Piercing the corporate veil in antitrust cases: the notion of parental liability under competition rules in Europe", AIJA seminar, 2013, speaker
- « Les stratégies d'accords verticaux sur des marchés globaux », AIJA conference, 2012, co-organiser and moderator
- "Sudden termination of established business relationships: beware, another victim may be coming!", distribution law newsletter, AIJA, Spring 2012
- "Overriding mandatory rules of law with a special regard to claims relating to the termination of distribution agreements", AIJA seminar, 2012, speaker
- "The new competition rules on vertical restraints: what's new? (market share and agency agreements)": AIJA conference 2011, national rapporteur
- "Giving prior notice of the termination of a commercial relationship: the French touch", distribution law newsletter, AIJA, Autumn 2010

Intellectual property, internet and personal data

- [Vigilance accrue pour les fichiers clients constitués de données personnelles intimes](#), Expression, July 2019
- [Critiquer un concurrent ou ses produits ou services : libre expression, diffamation ou dénigrement ?](#) Expression, May 2019
- L'activité des agents immobiliers dans le collimateur de la CNIL, Expression, November 2018
- [Coaching des élèves ingénieurs sur les aspects juridiques de leurs projets innovants](#), Sup'Biotech, October 2018
- [Marketing direct et RGPD](#), Expression, August 2018
- [GDPR and protection of personal data in the EU and outside](#), ABA SIL Conference, April 2018
- [Le service d'intermédiation proposé par Uber n'est pas un service électronique](#), Actualité Distribution/Concurrence, January 2018
- [EU Court of Justice – Uber is not a digital service](#), Legalmondo, December 2017
- [La conception et la distribution des objets connectés et les nouvelles règles de protection des données personnelles](#), Actualité Distribution/Concurrence, May 2017
- [Impact du RGPD sur l'organisation et l'activité des entreprises](#), AFJE workshop, May 2017
- "French privacy laws and the use of personal or professional devices at work", Privacy, E-commerce and Data Security Committee newsletter, American Bar Association-SIL, summer 2015
- "La consultation par l'employeur des SMS de ses salariés", Expression, July 2015
- "Comment constituer son capital immatériel ?", Expression, May 2014
- "Les nouvelles règles directrices relatives aux cookies fixent des règles réalistes pour l'information préalable de l'internaute et son consentement", Privacy, E-commerce and Data Security Committee Newsletter, American Bar Association-SIL, March 2014
- "Contracts for undeclared customer files voidable in France", Privacy, E-commerce and Data Security Committee Newsletter, American Bar Association-SIL, December 2013
- "La cession d'un fichier non déclaré à la CNIL est nulle", L'Usine Nouvelle, 21 November 2013

- “Geographical indications: Champagne, café de Colombia, Ceylon Tea, Pisco (de Chile o de Perú): all different products, but similar issues”, AIJA conference, 2013, joint national rapporteur
- “Démarchage par e-mail et SMS : les prospects sont maîtres du jeu”, Expression, August 2012
- “Les labels et la publicité des produits agroalimentaires bio”, AIJA seminar, 2010, speaker

Sponsorship and sport

- Interviews on ambush marketing and the possibility for brands to subtly exploit sports news (L’Equipe newspaper 25 February 2014 and 19 June 2014)
- “Funding and restructuring football clubs in today’s market”, AIJA conference, 2013, award for best national report, national rapporteur and panellist
- “Sponsorship of sporting events and ambush marketing after London 2012 - where are we at?”, AIJA conference, 2012, award for best national report, joint national rapporteur (IP, Technology, Media and Telecommunications and Sports Law committees)
- “Legal challenges of the organization of major events: ambush marketing” AIJA conference, 2011, speaker
- “Endorsement and sponsoring contracts in French sports law”, Instituto Brasileiro de Direito Desportivo, 2008, speaker
- “Sponsoring contracts and image rights”, AIJA conference, 2008, speaker

Teaching :

- International distribution (Master’s 2 in Distribution/Competition), 1999 to 2003, lecturer at the University of Le Mans
- Law of international trade (Master’s 1 in business law and international law), 1993 to 2000, part-time lecturer at the University of Paris I (Panthéon-Sorbonne)
- Teaching assignment in international commercial law and European bankruptcy law at the Law Faculty in Bucharest (Romania), seconded by the Paris Bar Association, 1998.