



Horst Becker

Horst Becker is founder of ARIATHES Rechtsanwälte, a law firm located in Munich, Berlin and Paris, the main office based in the centre of Munich.

Expertise

Mr. Becker has quite an outstanding experience in the field of law of distribution. His professional career as lawyer started with a focus on law of franchising, but soon Horst Becker expanded his field of activity to other forms of distribution, such as commercial agency, dealership, sales agency and others. Soon after his professional traineeship as German lawyer (Referendarzeit) he started to work in law-firms. Thus he has lots of experience as attorney representing clients in various fields of distribution.

As attorney he always took particular care of keeping an independent position. Thus he was deliberately open to have as client every type of actor in the field of distribution, franchisors and franchisees, manufacturers and distributors, agents and principals.

Intellectual property playing quite an important role in the field of franchising, Mr. Becker also developed also quite intense knowledge in the field of intellectual property. For some years his firm cooperated closely with a firm of patent attorneys and he also lectures and publishes on some issues of intellectual property.

Horst Becker has also some particular experience in cases relating to antitrust issues of distribution.

Beside his German mother tongue Horst Becker is fluent in English and French and has some knowledge of Italian and Spanish.

Professional education and notable memberships

Mr. Becker studied German law and politics at the universities of Tübingen, Geneva and Bonn, as well as French trade and commercial law at Paris University (Panthéon-Sorbonne). He is a graduate of the international faculty for comparative law in Strasbourg and was a national correspondent of the British Institute of International and Comparative Law in London.

He took his legal training, inter alia, with the international board of arbitration at the Federal Chamber of Economy in Vienna, and in the division of franchise counselling with Ernst & Young in London. Admitted to the bar in 1991, he is a member of the chamber of attorneys at Munich Court of Appeal.

He is (inter alia) member of
German Institution on Arbitration (DIS)
ICC International Chamber of Commerce,
IBA International Bar Association,
UIA Union Internationale des Avocats
DFV German Franchise Association.

He serves as adjunct professor at the University of Strasbourg (at CEIPI Centre d'Études Internationales de la Propriété Intellectuelle) where he lectures regularly on distribution and intellectual property law.

Notable contributions to books and periodicals:

- *“Vorsicht, Falle!”* in: New Business/Franchise Spezial, Sondernummer: 2, 1998, Pages 30 – 31
- *“Praxishandbuch Franchising”* (Chapters on ancillary contracts to franchise contracts and on the termination of franchise contracts. Edited by Karsten Metzloff), C.H. Beck, Munich 2003, Pages 215 – 289
- *“Echt_falsch, Will die Welt betrogen sein?”* (Chapter on product piracy, together with Maximilian Burger – Scheidlin. Edited by Hannes Etzlstofer, Willibald Katzinger, Wolfgang Winkler), Buchverlage Kremayr & Scheriau/Orac, Wien, 2003, Pages 153 - 176
- *“Droit de la Publicité: La nouvelle loi allemande du 7 juillet 2004 contre la concurrence déloyale”* in: Gazette du Palais, Mai 2005, 125^e année N^o 133 à 134, Pages 3 – 7
- *“Traité – Traité des dessins & des modèles, France – Union européenne – Suisse – USA – Amérique Latine”*, (Titre IV: Droit étranger – Chapitre I: Allemagne. Edited by François and Pierre-Baptiste Greffe) 8th édition, LexisNexis SA, Paris, 2008, Pages 727 – 770
- *“Droit de la Publicité: Le placement de produits en Allemagne: Situation juridique, développements nouveaux et futurs”* in: Gazette du Palais, November 2006, 126^e année Nos 328 à 329, Pages 8 – 11,
- *“Droit de la Publicité: Le droit à l’image dans la publicité: Situation légale et nouveaux développements en Allemagne”* in : Gazette du Palais, Décembre 2007, 127^e année Nos 334 à 335, Pages 11 – 15

- *“Traité - la publicité et la loi, Droit français – Union européenne – Suisse”* (Titre V: Les pays de l’Union Européenne et la Suisse – Chapitre I: Allemagne. Edited by François and Pierre-Baptiste Greffe), 11th édition, LexisNexis SA, Paris, 2009, Pages 633 – 683
- *“La protection du franchisé au début du XXI^e siècle, Entre réalité et illusions”* (Chapter La protection du franchisé en Allemagne. Edited by Nicolas Dissaux and Romain Loir), L’Harmattan, Paris, 2009, Pages: 237 – 260
- *“Droit de la Publicité: La protection du consommateur à la suite de l’amendement de la nouvelle loi allemande contre la concurrence déloyale”* in : Gazette du Palais, Mai 2009, 129^e année Nos 144 à 146, Pages 10 – 14
- *“ICC Model International Franchising Contract”*, (Contributing member of working group), International Chamber of Commerce), ICC Publication No. 712E, Paris, 2011
- *“La contribution de la jurisprudence européenne à la construction de la propriété intellectuelle en Europe”* (Contribution to chapter: “Evolution du droit des dessins et modèles par l’application jurisprudentielle de la directive du 13 octobre 1998 et du règlement du 12 décembre 2001”) CEIPI, 2012
- *“Using Franchising to take your business international”*, (Chapter on Area development), International Chamber of Commerce, ICC Publication No. 754E, Paris, 2014

- “*ICC Model Contract Commercial Agency*”, (Contributing member of working group), International Chamber of Commerce, ICC Publication No. 766E, Paris, 2015
- “*Franchise-Ratgeber 2016/2017*” (Chapter “Drum prüfe wer sich ewig bindet”), Deutscher Franchise Verband, Berlin 2016

Notable speeches

- Forum für Recht und Vertrieb, Göttingen, 1998
Seminar „Franchiseverträge“
- Center for international legal Studies (CILS), Kitzbühl, 2001
“German law of unfair competition – unpleasant surprises for foreign investors”
- Deutsches Franchise Institut (DFI), 2002
“Die optimale Organisation einer Systemzentrale. Was eine Systemzentrale rechtlich zwingend mindestens leisten muss“
- Beck Seminare in Berlin und Frankfurt on the Main, 2003
“Markenrecht aktuell“
- Union Internationale des Avocats (UIA), Bucharest 2008
“German Law against unfair competition or unfair trading and its influence on contractual relations”
- Barreau de Paris, Colloque Franchise, Paris 2008
“La protection du franchisé en droit allemand“

- Heinrich-Heine-Universität Düsseldorf, 2009
“Der Schutz des industriellen Design im Spannungsfeld von deutschem und gemeinschaftsrechtlichem Geschmacksmuster-, Urheber-, Marken- und Lauterkeitsrecht“
- Union Internationale des Avocats (UIA), Atlanta 2009
“How EU competition law impacts on agency distribution and franchise agreements”
- Union Internationale des Avocats (UIA), Istanbul 2010
“The impact of national laws on design protection after the harmonisation of community design patents”
- Union Internationale des Avocats (UIA), St. Moritz 2011
“Key Issues regarding Intellectual Property which might be important when preparing or drafting a shareholder agreement or which may lead to lawsuits”
- Buybrand Expo, Moscow 2011 and 2012
“Signing an International Master-Franchise-Agreement - Issues to consider and pitfalls to avoid”
- Association Internationale des Jeunes Avocats (AIJA), Munich 2012
“Pros and cons of choosing a liberal neutral law”
- University of Geneva, December 2012
“Das Recht des geistigen Eigentums in der Praxis”
- Union Internationale des Avocats (UIA) Macau 2013
“Asia - The new frontier for Art Law and Intellectual Property Law developments: What your clients need to know about the world’s fastest growing economies. Q & A Session”

- Union Internationale des Avocats (UIA) Athens 2014
“The rules protecting commercial agents in the European directive and in the laws of the member states – A general overview”
- Union Internationale des Avocats (UIA) Florence 2014
“Protecting creativity through intellectual property laws”
- Union Internationale des Avocats (UIA) Florence 2014
“Protecting the franchised brand”
- Union Internationale des Avocats (UIA) Tokyo Mai 2016 & Hongkong June 2016
“Selective Distribution: Issues to be addressed in a distribution agreement “
- Union Internationale des Avocats (UIA) Munich 2016
“The Rules Protecting Commercial Agents in the European Directive and in the Laws of the Member States”
- International Chamber of Commerce (ICC) Frankfurt 2016
“Internationale Vertragsgestaltung am Beispiel Iran“
- International Chamber of Commerce (ICC) Zagreb 2016
“New ICC Model Contracts on Agency and Distributorship”
- DFV German Association of Franchising, Munich 2016
Schule des Franchising: “Die Gestaltung eines Franchisevertrages – Von der Vertragsverhandlung bis zu seiner Beendigung”

- Deutsche AnwaltAkademie, Frankfurt am Main 2016
Optimale Franchiseverträge

ARIATHES Rechtsanwälte
Prinzregentenplatz 14
81675 München

ARIATHES Avocats
22, Rue Lalo
75116 Paris

Tel. +49-(0)89-980 314
Fax +49-(0)89-980 317
Mail : info@ariathes.eu