



## Virginie LIEBERMANN

Counsel Avocat à la Cour, Member of Luxembourg Bar, 2008

Business & Commercial, Employment, Pensions & Immigration, IP, IT & Media

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**Contact:** virginie.liebermann@molitorlegal.lu

**Bar Admission(s):** Avocat à la Cour, Member of Luxembourg Bar, 2008

**Speaks:** Speaks French and English

**Associations:** She is an active member of the Global Advertising Lawyer Alliance (GALA) and the International Association of Young Lawyers (AIJA) and a Board Member of the Association of the Information Society Professionals (APSI).

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### EXPERTISE

Virginie joined MOLITOR in 2007 and she is Counsel in the Business & Commercial practice group. Over the past ten years she has developed her professional activity mainly within the area of IP, IT & Media and Employment law.

Virginie provides both litigation and advisory services to clients from a variety of sectors, including retail, automotive, health and financial. Her work includes advice on copyright, information technology, privacy law, trademarks and company names and on regulatory clearance of media and advertising projects. She has extensive experience in distribution networks, restrictive commercial practices, unfair competition practices and business authorisations. Virginie also assists clients with E-commerce as regards the promotion of products and services, commercial communication, promotional games, product labelling and data protection issues.

In addition to her IP, IT & media practice, Virginie also specialises in employment issues including the drafting of contracts and internal policies. She regularly advises employers on, for example, the flexibility of working hours, compensation, remuneration, benefits in kind and personal data issues relating to the monitoring of employees, the transfer of business and the posting of employees in Luxembourg or abroad.

### RECOMMENDATIONS & LISTINGS

The Legal 500 EMEA listed Virginie for her expertise in IP and IT. They describe her as '*very capable on data protection matters*'. (The Legal 500 EMEA, 2019)

### EDUCATION

**2008** Luxembourg University (Complementary Course in Luxembourg Law)

**2006** Strasbourg University, France (Master degree in Banking and Financial Law)

**2005** Strasbourg University, France (Master degree in Business Law and European Business Law Certificate)

**2004** Stockholm University, Sweden, in partnership with Strasbourg University, France (Bachelor degree)

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## TRANSACTIONS

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### ADVICE FOLLOWING RESIGNATION OF ENTIRE TEAM

MOLITOR advised a professional of the financial sector relating to the resignation of an entire team. MOLITOR advised the client on how to handle the substantial reduction in staff, how to retain the remaining employees, the clients and know-how.

### DISTRIBUTION AGREEMENTS

MOLITOR drafted an exclusive distribution agreement for a company wishing to launch a new beverage product.

### EMPLOYEE RELOCATION

MOLITOR has advised an IT service provider on the relocation of an employee with a German employment contract, to work 50% from Germany and 50% from France in the form of teleworking, while being registered in Luxembourg.

### POSTING OF EMPLOYEES WITHIN EU

MOLITOR advised a worldwide concession-construction group relating to the posting of employees within the group from Luxembourg to France and from France to Luxembourg. MOLITOR's advice included an analysis of the posting scenario for different types of employees and related labour law, social security and tax consequences. MOLITOR also assisted the client with the formalities of the posting of employees in order to ensure compliance with Luxembourg laws.

### SET UP OF LUXEMBOURG BRANCH

MOLITOR assisted a South African company which acquired a Luxembourg company so that the new business manager could be granted a business authorisation.

### SOFTWARE DEVELOPMENT AGREEMENTS

MOLITOR assisted various software developers with the drafting of software distribution, license and development agreements. In particular, MOLITOR participated in the negotiation of an exclusive license granted to the client to market, promote, distribute and license, directly or indirectly, an integrated Human Resource and Payroll computer program developed by an external specialised company to its clients in the European Union, Switzerland, Iceland and Russia.

#### TRANSFERS OF UNDERTAKING AND COLLECTIVE BARGAINING AGREEMENT

MOLITOR advised a major player in the Luxembourg fund industry regarding the effects of the transfer of undertaking that followed the launching of the company. In particular, the former collective bargaining agreement was maintained for the transferred employees even though the new employer (the transferee) was not a party to the collective bargaining agreement. The question was therefore to know how long this provisional regime would apply and at the end of this phase, how to harmonise the employees' social regime.

#### WORLDWIDE HYPERMARKET CHAIN

MOLITOR are assisting a worldwide hypermarket chain on labeling compliance, advertising and commercial sweepstakes issues as well as e-commerce and data protection regulations.