



The Critical International Expansion Check List

Corporate Set-up and Governance

Is a local corporate presence required for the activities in question?

If so, is a subsidiary required or would a branch or representative office be sufficient?

What is the timeline for forming a subsidiary, branch or representative office?

What are the ongoing corporate governance requirements in the jurisdiction?

How many directors are required for the entity?

Are there any local resident director requirements? If not, any resident/local agent required?

For any director or shareholder meetings, must they be convened in the local jurisdiction?

Must there be more than one shareholder for the proposed entity?

Regulatory

Are export licenses required in order to “ship” the technology and/or products outside the US?

Are import/customs licenses required in order for the technology and/or products to be received by the new entities?

Are there any other regulatory issues?

Banking and Credit

Can your company get a bank account?

How long will it take to get a bank account and how will you operate in the interim?

How long will it take to get credit? Will your company representative be personally responsible for any debt incurred?

Tax

What are the tax implications of different entity form alternatives (e.g., subsidiary, branch, rep office, etc.)? Would one entity form provide a more favorable tax result than others?

What would be the most appropriate operational model to be utilized in this jurisdiction from business, transfer pricing and tax perspectives?

What would be the operational guidelines/ best practices in this jurisdiction to mitigate a taxable presence/permanent establishment risk for any other affiliate entity in this jurisdiction as well as taxable presence / permanent establishment risk in any other foreign jurisdiction?

What are the tax (corporate income tax, VAT/GST, etc.), transfer pricing, financial accounts reporting requirements in this jurisdiction and their associated deadlines?

Are there any withholding tax concerns?

Are there transactions between different companies in the group creating the need for intercompany legal agreements and transfer pricing considerations?

Do the activities create U.S. tax issues under either the direct taxation rules or anti-deferral rules?

Commercial and Compliance

What type of training should the new employees undergo in the new entities/ countries on your policies regarding security, trade secrets, compliance, etc.?

What are the local anti-bribery rules? How should the company ensure compliance with the U.S. FCPA and any such local rules?

IP and Trademarking

Can you protect your IP in this country?

Do you have Trademark protection? How long will it take to get it ?

Data Privacy and Information Law

Are there any data privacy registration requirements?

Will the data flow trigger any data transfer obligations?

Are there any customer/employee notification requirements?

Are there any requirements regarding contracting with third party service providers?

Are there any requirements due to any monitoring (CCTV, computer, etc.)?

Are there any privacy policy (internal/ external) requirements?

Are there any requirements due to payment obligations?

Need help with your international expansion?

Please contact Global Upside and we'll help you successfully
expand into over 100 countries.

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