

E-seminar:

Programme Code: ESEMTF202113

## A look at Board of Review case D7/19 – a study tool for all tax practitioners

### About the topic

Board of Review decision D7/19 was published in February 2021. It is a very thought-provoking case that analyses various important issues relating to sale-and-license back arrangements for trademarks, including whether the royalties paid are tax deductible and whether a tax treaty provision overrides the relevant provisions contained in the Inland Revenue Ordinance. Other relevant issues and concepts discussed in the case are anti-avoidance provisions, deductibility principles, corporate residency, “carrying on business” and source, tax treaties, “permanent establishment” and “effectively connected” issues, agency and “place of effective management”, and transfer pricing methodology and litigation. There are many learning points that emerge from this decision that make it an ideal study tool for all tax practitioners.

In this seminar, two of Hong Kong’s most knowledgeable and expert tax lawyers will:

- Give an overview of the background and the Board’s analysis of the case
- Add their own insights on the tax issues arising in this case
- Share practical suggestions regarding other relevant tax issues raised in the case
- Explain the lessons that all tax practitioners can learn from this decision

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### About the event

<b>Available period</b>	<b>19 Oct 2021 – 18 Oct 2022</b>
<b>Format</b>	<b>E-seminar</b>
<b>Fee</b>	<ul style="list-style-type: none"><li>• Taxation Faculty member: HK\$120</li><li>• HKICPA member or student; and IA: HK\$150</li><li>• Non-member: HK\$330</li></ul> <p><i>Not a faculty member? <a href="#">Click here</a> to join.</i></p>
<b>Language</b>	English
<b>HKICPA CPD credit</b>	1.5 hours (subject to actual attendance)
<b>Rating</b>	Advanced level*
<b>Competency</b>	Taxation*
<b>Application deadline</b>	<b>Online registration by 18 Oct 2022</b> (offline registration by 13 Oct 2022)

#### Speakers

**Michael Olesnicky**

Senior Tax Consultant, Baker  
McKenzie

**Stefano Mariani**

Partner, Deacons

#### Chair

**William Chan**

Chair, TF Executive Committee,  
Convenor, TF China Tax  
Subcommittee, and  
Partner, Grant Thornton Tax  
Services

\* Please refer [here](#) for descriptions of the various ratings.



## About the speakers

### **Michael Olesnicky**

**Non-official member, Advisory Panel on BEPS 2.0, Government of the HKSAR, and senior consultant, Tax, Baker McKenzie**

Michael is a senior consultant based in Baker McKenzie's Hong Kong office. He served as the Asia Pacific chair of the company's Tax Practice from 2000 to 2014, and was a member of the Global Tax Steering Committee. He has more than 25 years' experience advising on corporate tax, wealth management, trust planning and estate succession matters. His practice focuses on Hong Kong and Asian regional tax advisory work, tax disputes and litigation, as well as wealth management and estate planning.

### **Stefano Mariani**

**Partner, Deacons**

Stefano Mariani, MA (Oxon), MSc (LSE), is a solicitor-advocate with full rights of audience before the higher courts of Hong Kong, and a partner of Deacons, where he heads the tax and trusts practice. Prior to coming to Hong Kong, he qualified as a barrister in London and has argued tax cases in Hong Kong before the Board of Review, District Court, Court of First Instance, and Court of Appeal. He is also adjunct associate professor of the Faculty of Law of the University of Hong Kong, and a co-author of the seminal textbook on Hong Kong tax law, the Encyclopaedia of Hong Kong Taxation.