



# Outsourcing to India: Cross-Border Legal Issues

*Aparna Viswanathan*

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Outsourcing to India: Cross-Border Legal Issues is a definitive reference guide to the wide range of issues under Indian law which legal practitioners and in-house counsel should consider, whether practicing in India or overseas, when drafting an outsourcing contract involving services rendered in India. This essential title book provides comprehensive coverage of contract law, taxation, employment law, data protection and intellectual property rights applicable to outsourcing contracts irrespective of the lex contractus selected. The book also addresses complex cross-border legal issues which are frequently faced by international lawyers, including: Indian conflicts of laws rules; status of injunctive relief obtained overseas and legality of clauses foreclosing jurisdiction in India; litigation versus arbitration and enforcement of foreign judgments and arbitral awards in India including judgments enforcing IP rights; acquisition of rights by employees vis-a-vis foreign outsourcing clients; multi-jurisdictional transfer of employees and 'sweat shop issues'; taxation of foreign companies outsourcing to India; permanent establishment issues; transfer of sensitive data including 'look-in' situations and the new Indian jurisprudence on privacy rights in data; medical and financial data; compliance with EC laws on data transfer to India; contractual solutions and corporate privacy policies; 'work for hire' concepts under Indian IPR laws as well as licensing and assignment of intellectual property rights; and regulatory issues for outsourcing of financial services. This book is an essential source of reference for lawyers involved in outsourcing processes to India, whether through captives or third party service providers.

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