

U.S. Year 2000 Information and Readiness Disclosure Act Reveals Legal Implications

The United States' Year 2000 Information and Readiness Disclosure Act could have legal implications for Canadian firms doing business with American companies.

Enacted into law by President Clinton on October 19, 1998, the purpose of the Act is to promote the voluntary disclosure and exchange of information needed to discover, avoid or solve problems with year 2000 calculations. The legislation is intended to protect those who carefully share information on Y2K processing capabilities, testing plans and related matters.

Heightened statutory protection is available for statements that are in writing and are clearly labelled as "Year 2000 Readiness Disclosures."

The Internet is recognized as the primary means for providing notice of Year 2000 information and readiness disclosures, though some exceptions exist.

The Act provides for the designation of statements made as early as January 2, 1996, as Year 2000

Readiness Disclosures. For these, the Act establishes a notification process and an objection procedure, with deadlines as short as 45 days from the enactment of the Act. Thus, firms doing business in the U.S. may want to survey the Year 2000 statements made by them since the beginning of 1996 to customers, suppliers, vendors and business partners to determine whether they will seek heightened statutory protection for those statements retroactively.

Firms may wish to decide how they will respond to the efforts of others seeking to retroactively establish statutory protection for their prior statements. Also, firms may wish to establish procedures for securing statutory protection for future statements.

The legislation is complex and this

article serves only to highlight provisions having the broadest application. Before firms take any steps, they should consult their legal advisors to determine if the legislation applies to their activities and to determine the impact on their specific circumstances.

The protection is from claims based on the sharing of information. The legislation does not address liability that independently may arise from Year 2000 failure of systems, nor is it intended to alter existing contractual rights.

Canadian companies that feel that this legislation applies to them should seek an opinion from their legal advisors.

For more information on Year 2000 activities and initiatives, contact the Department of Foreign Affairs and International Trade's Y2K Co-ordination Secretariat at (613) 944-3000.

International Business Opportunities Centre

The following trade opportunities have been received by the International Business Opportunities Centre (IBOC) of the Department of Foreign Affairs and International Trade and Industry Canada. These opportunities are posted for the benefit of Canadian companies only. To obtain more information about these tenders, contact the appropriate person at IBOC, whose name appears at the end of each summary below, quoting the IBOC case number. Canadian exporters needing assistance in preparing international bid documents may want to use the international contracts expertise and services offered by the Canadian Commercial Corporation. This Crown corporation is located at 50 O'Connor St., Suite 1100, Ottawa, ON K1A 0S6, tel.: (613) 996-0034, fax: (613) 995-2121.

THAILAND — The Rajamangala Institute of Technology of Thailand invites bids for Lab of textile dyeing system, textile printing system, textile testing equipment, and instruction equipment system for the textile chemistry program. Closing

date is February 22, 1999. Contact Daniel Lemieux before January 25, 1999, at fax: (613) 996-2635, quoting IBOC case no. 981201-02023.

SINGAPORE — Innovis Consultancy Services is looking for interested

parties to participate in the construction of gas processing and downstream petrochemical plants. Contact Daniel Lemieux before February 12, 1999, fax: (613) 996-2635, quoting IBOC case no. 981016-01510.

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