



Product Liability in the United States

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June 3, 2025 | 9.00 am – 12.30 pm CET
online-training | meeting platform Zoom

Program

Basics and developments

- ▶ Trends
- ▶ US legal framework
- ▶ When are goods subject to US product liability?

Unreasonably dangerous product

- ▶ Criteria for defectiveness (consumer expectation, risk-utility analysis)
- ▶ Manufacturing defects
- ▶ Design defects
- ▶ Warning defects

Basis for claims

- ▶ Strict product liability
- ▶ Breach of warranty
- ▶ Negligence

Damage

- ▶ Definition of damage
- ▶ Consequential damages
- ▶ Punitive damages
- ▶ Pain and suffering

Statute of limitations

Risk management

- ▶ Identification of risks
- ▶ Reduction of liability risk
- ▶ Warnings, operating instructions, packaging
- ▶ Product monitoring, product customization
- ▶ Insurance cover

Drafting contracts in English

- ▶ Contractual liability
- ▶ Warranty, exclusions of liability
- ▶ Contractual liability for damages

Special procedural features

- ▶ Legal differences within America (federal structure)
- ▶ The jury trial
- ▶ Discovery
- ▶ Questions of evidence
- ▶ The role of the expert witness
- ▶ How to proceed when sued
- ▶ Case examples from the US

Our expert

Dr. Paul Luiki, *Fellner Wratzfeld & Partner GmbH (fwp)* is a lawyer and partner of the law firm fwp in Vienna. He was born in the US and after completing his law studies at the University of Iowa, he practiced law in the state of Ohio. After moving to Austria and completing his studies, he has been practicing law as an Austrian lawyer since 1999. One main focus of his work is advising Austrian companies on product liability risks when exporting products to the US. He also regularly advises companies on concluding contracts with US counterparties.





Target group

- ▶ Managing Director
- ▶ (Company) Lawyer
- ▶ Managers and specialists from
 - Import / Export
 - Controlling
 - Production companies / suppliers
 - Insurances

Background

Product liability risk in the US is a business challenge. Again and again we hear about spectacular lawsuits due to defective products, but many companies are not adequately prepared for product liability cases. The aim of this seminar is to familiarize you with product liability law in the US and to explain how best to reduce product liability risk. One key concept is prevention through risk management.

Did you know that

- ▶ you run the full risk of being sued under US product liability law when delivering a machine to the US?
- ▶ thousands of product liability cases are brought before courts in the US year after year?
- ▶ in the event of a product liability lawsuit against your company in the US, a jury decides on the amount of the claims, which are often more than 100 times higher than Austrian claims for damages in similar cases?
- ▶ you have to pay your own legal fees and litigation costs in the US, even if you win ("American Rule")?
- ▶ operating instructions and warnings should be checked critically from a legal point of view and translated well, because inadequate warnings can lead to high product liability claims in the US?
- ▶ correctly formulated contractual limitations of liability and indemnities might offer protection against high payments in the USA?

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Participation fee per person

incl. electronic training documents,
certificate of participation

€ 360,00 + 20% VAT

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Technical requirements

Internet-enabled computer/laptop/tablet or smartphone.

The online training is held via Zoom. If your company does not use Zoom as standard, participation is still possible.

If you have any questions, please contact your in-house IT department or contact us directly.

You will receive the link and access data to participate in the online training 3 working days before the start.