

# KLUWER LAW CONFERENCE FOR GENERAL COUNSEL CHINA: 3<sup>RD</sup> ANNUAL INTERNATIONAL ARBITRATION, COMPLIANCE & COMPETITION LAW SUMMIT - BEIJING

The GC Handbook

(This conference will be conducted in English)

Wednesday, 15 November 2017, 8:50am – 5:30pm

Hilton Beijing

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SPEAKERS



**Doug Clark**  
Barrister, Gilt Chambers, Hong Kong and Adjunct Professor, University of Hong Kong  
**Chairman – Morning Session**



**Stephen Mavroghenis**  
Partner, Quinn Emanuel  
**Chairman – Afternoon Session**



**Dr. Li Hu**  
Deputy Secretary General, China International Economic and Trade Arbitration Commission (CIETAC)  
**Opening Address**



**Prof Benjamin Hughes**  
Independent Arbitrator and Associate Professor, Seoul National University School of Law  
**Keynote Speaker**



**Conor Quigley QC**  
Serle Court Chambers  
**Keynote Speaker**



**Julian Cohen**  
Barrister, Gilt Chambers  
**Moderator – 1st Grand Panel**



**Adrian Emch**  
Partner, Hogan Lovells  
**Moderator – 2nd GrandPanel**



**Charles Allen**  
Partner, Orrick, Herrington & Sutcliffe



**John Zadkovich**  
Counsel, Vinson & Elkins



**Damien McDonald**  
Registered Foreign Lawyer, Fangda Partners



**Nicolas Wiegand**  
Managing Partner, CMS Hong Kong



**Ravi Shankar**  
Senior Partner, Law Senate (India)



**Helen Su**  
Partner, Alston & Bird LLP



**Jingwen Zhu**  
Partner, Winston & Strawn



**Leo Liu**  
Deputy Head (China), Singapore International Arbitration Centre



**Mingchao Fan**  
Director, ICC Arbitration & ADR, North Asia, ICC Representative Office, Shanghai

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Venue: Hilton Beijing

1 Dong Fang Road, North Dong Sanhuan Road  
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Normal rate: US\$740/HK\$5,772

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SCHEDULE

8:50 – 8:55	Opening Welcome by Chairman	12:05 – 12:50	1st Grand Panel – Regional Views – Managing the Arbitration Process and Use of the Expert Witness from Both Sides - Advising In-house Counsels Moderator • Julian Cohen, Barrister, Gilt Chambers Panellists: • Ravi Shankar, Senior Partner, Law Senate (India) • Helen Su, Partner, Alston & Bird • Leo Liu, Deputy Head (China), Singapore International Arbitration Centre • Mingchao Fan, Director, ICC Arbitration & ADR, North Asia, ICC Representative Office, Shanghai
8:55 – 9:15	Opening Address Dr. Li Hu, Deputy Secretary General, China International Economic and Trade Arbitration Commission (CIETAC)	12:50 – 13:55	<b>Networking Lunch</b>
9:15 – 9:35	1st Keynote Session – If We aren't Careful – Could Arbitration Implode? Prof Benjamin Hughes, Independent Arbitrator and Associate Professor, Seoul National University School of Law	13:55 – 14:00	Welcome Message by Chairman Stephen Mavroghenis, Partner, Quinn Emanuel
9:35 – 10:05	Energy Disputes in China and The Region	14:00 – 14:25	2nd Keynote Session – Update in Competition Law in China and Asia And Effects of BREXIT on International Trade Conor Quigley Q.C., Serle Court Chambers
10:05 – 10:30	Anatomy of a Hong Kong Phishing Fraud: Typical Facts, Immediate Steps and Long-term Remedy Charles Allen, Partner, Orrick, Herrington & Sutcliffe	14:25 – 14:55	Advising on a Compliance Program for Your Company
10:30 – 10:50	Third Party Funding in International Arbitration Damien McDonald, Partner, Fangda Partners	14:55 – 15:25	Understanding White Collar Crime - Advising International Companies in China and Asia John Zadkovich, Counsel, Vinson & Elkins
10:50 – 11:15	<b>Networking &amp; Morning Refreshment</b>	15:25 – 15:50	<b>Short Break &amp; Afternoon Refreshment</b>
11:15 – 11:40	IP Disputes in China – Top Tips for Counsels Nicolas Wiegand, Managing Partner, CMS Hong Kong	15:50 – 16:10	Price Fixing and Abuse of Dominance
11:40 – 12:05	International Trade Disputes – China and International Focus Justin Tang, Partner, Linklaters	16:10 – 16:30	Advising Multi-National Companies on Merger Control in China
		16:30 – 17:20	2nd Grand Panel – The Race for Leniency in China and Overseas – Regional Updates and Q/A Moderator • Adrian Emch, Partner, Hogan Lovells Panellists: • Jingwen Zhu, Partner Winston & Strawn
		17:20 – 17:25	<b>Closing Remarks &amp; Lucky Draw</b>
		17:30 – 18:30	<b>Networking Cocktail Party</b>

**Doug Clark, Barrister, Gilt Chambers, Hong Kong and Adjunct Professor, University of Hong Kong**

Doug Clark is a barrister and arbitrator practising in Hong Kong. He has handled competition law related cases for over 15 years. Doug was formerly the managing partner of international law firm Hogan Lovells' Shanghai office. He has acted in a number of major SEP licensing disputes and has recently acted for a number of clients in relation to NDRC investigations and Anti-Monopoly Law lawsuits relating to licensing practices. Doug is an Adjunct Professor at the University of Hong Kong and the author of a number of legal texts as well as a history of British and American extraterritoriality in China and Japan between 1842 and 1943. He speaks Mandarin Chinese and Japanese.

**Stephen Mavroghenis, Partner, Quinn Emanuel**

Stephen Mavroghenis is a partner in Quinn Emanuel's Brussels office. He was previously head of Shearman & Sterling's Brussels office and Co-head of its Global Antitrust Group. His practice focuses on competition law and policy. Stephen's practice focuses on EU and UK competition law, in addition to EU regulatory and intellectual property law. Stephen has extensive experience in the aviation, chemicals, energy, high-tech and information technology, pharmaceuticals and medical devices, manufacturing, and media and entertainment industries. He regularly appears in proceedings before the European Commission and the European Courts in Luxembourg. He also appears before the national competition authorities of several member states.

Stephen regularly advises multinational corporations on international mergers, acquisitions, joint ventures and corporate takeovers and defends clients against allegations of cartel participation and abuses of dominance, including issues relating to refusals to deal/license, intellectual property rights, rebates, predatory and excessive pricing. Stephen also regularly counsels clients on a broad variety of business practices including licensing and supply agreements, distribution, agency and the establishment and maintenance of compliance programs. Stephen has published widely on competition issues and is a contributor to multiple legal publications, and is a frequent speaker on competition law and policy.

Stephen is consistently ranked among leading antitrust specialists in peer review rankings and is named as a leading competition lawyer by Global Competition Review, Chambers, Legal 500, and the International Who's Who of Competition Lawyers. Stephen was also named in 2012 as one of the Global Competition Review's "40 under 40" of the world's brightest young antitrust lawyers and has been recognized by Chambers Global as 'one of the best lawyers of the younger generation'.

**Dr. Li Hu, Deputy Secretary General, China International Economic and Trade Arbitration Commission (CIETAC)**

Dr. Li Hu is the Deputy Secretary General of China International Economic and Trade Arbitration Commission (CIETAC). He is a Panel Member (Mediator) of the Mediation Center of China Council for the Promotion of International Trade (CCPIT), and also a Panel Member (Arbitrator) of China International Economic and Trade Arbitration Commission (CIETAC), China Maritime Arbitration Commission (CMAC), Hong Kong International Arbitration Center (HKIAC), National Arbitration Forum (NAF, USA), the International Arbitration Court at the Chamber of Commerce and Industry of the Republic of Kazakhstan, Kuala Lumpur Regional Center for Arbitration (KLRC), the Arbitration Foundation of Southern Africa (AFSA) and Cairo Regional Center for International Commercial Arbitration (CRCICA).

As presiding arbitrator, co-arbitrator and sole arbitrator, Dr. Li has awarded more than 110 domestic and international arbitration cases, including arbitration under ICC Rules and UNCITRAL Rules. As the author, co-author and translator of many arbitration books and arbitration articles, he frequently speaks at international or domestic arbitration conferences and activities.

**Conor Quigley QC, Serle Court Chambers**

Conor Quigley QC practices law from Serle Court Chambers, one of London's leading commercial barristers' chambers. He specializes in European Union law, in particular concerning competition, commercial, trade and tax law.

Conor is widely regarded as the leading expert at the English Bar in the law of EU state aid and subsidies control. He is the author of the leading textbook, *European State Aid Law and Policy*, now in its 3rd edition (2015) and is also co-author and general editor (with Suzanne Rab) of *Hong Kong Competition Law (2016)*, (both books available from [www.hartpub.co.uk](http://www.hartpub.co.uk)). He regularly advises UK governmental and public authorities, major multinational groups, and other interested parties, and has acted in some of the leading EU law cases over the last 30 years before the European Court of Justice, the UK Supreme Court and Court of Appeal and High Court.

Conor accepts appointment as arbitrator in international disputes, in particular concerning international trade, state aid and subsidies, competition law and environmental issues. He is listed in the Shanghai International Arbitration Centre and has been appointed an ad hoc sole arbitrator by IATA.

In 1991 Conor became a member of the Law Faculty of the University of Oxford, when he was appointed a Fellow in EU Law at Lady Margaret Hall. Since 2008, he has been a Visiting Research Fellow at the Institute of European and Comparative Law. He has also held visiting posts at the College of Europe, King's College London and the International Tax Centre, Leiden University.

**Prof Benjamin Hughes, Independent Arbitrator and Associate Professor, Seoul National University School of Law**

Professor Benjamin Hughes is an independent arbitrator, associate professor at Seoul National University School of Law, and resident of The Arbitration Chambers in Singapore. He has extensive prior experience as counsel in international arbitrations around the world and under most major arbitration rules. He practiced international arbitration at a large US firm (in the US and Singapore), and was the founding co-chair of the international dispute resolution practice group at one of Korea's oldest and largest full service law firms. Ben ceased practice as a lawyer and has practiced as an independent arbitrator and mediator since March 2013. Since then, he has been appointed as the sole, chair or co-arbitrator in arbitrations under rules of the ICC, SIAC, HKIAC, UNCITRAL, KLRCA, CIETAC, ACICA and KCAB, as well as ad-hoc arbitrations. He is a Fellow of the Chartered Institute of Arbitrators, the Singapore Institute of Arbitrators, the Hong Kong Institute of Arbitrators and the Australian Centre for International Commercial Arbitration. He is Chair of the Korea Chapter of CIARB, Executive Committee Member of the Seoul International Dispute Resolution Center, Member of the International Arbitration Committee of the KCAB, and Director of the Korean Council for International Arbitration. He also serves on the editorial boards of the Journal of Korean Law at SNU Law School and the Korean Arbitration Review of the KCAB.

**Julian Cohen, Barrister, Gilt Chambers**

Julian has nearly 25 years of specialist experience of heavyweight international commercial arbitration in Asia Pacific, the Middle East and Europe. In addition to acting as counsel, he also acts sits regularly as an arbitrator. His areas of practice include a wide range of company and commercial disputes as well as construction and engineering arbitrations. He was called to the Bar in England in 1990, became a solicitor in 1993, and moved to Hong Kong in 1998. He was a Partner in the Construction and Engineering Disputes practice of Pinsent Masons before moving to the Hong Kong Bar in 2010. Julian has been recognised as one of the world's leading construction disputes lawyers (Expert Guides 2013 and 2015) and lectures and writes regularly on arbitration related topics.

**Adrian Emch, Partner, Hogan Lovells**

Adrian Emch started focusing on antitrust law while at university. After graduation, he first worked at the Directorate-General for Competition (DG COMP) at the European Commission, and then spent several years in private practice in Brussels working on EU competition law matters. In July 2008, a month before the country's Anti-Monopoly Law came into force, Adrian made his second move to China. Since that time he has been stationed in Beijing, working on Chinese (and more recently Hong Kong) antitrust matters.

**Damien McDonald, Registered Foreign Lawyer, Fangda Partners**

Damien specialises in international arbitration with a particular focus and expertise in mainland China-related disputes. He has also had extensive experience in dealing with complex, high value commercial disputes in Hong Kong, the United Kingdom and Australia. This experience ranges across a number of industries and sectors from IT systems integration to private equity to mining and the petrochemical industry.

He has practised with leading local and international law firms in Shanghai, Beijing, London and Australia.

**Charles Allen, Partner, Orrick, Herrington & Sutcliffe**

Charles Allen, a partner in Orrick's Hong Kong office, heads the Commercial Litigation and International Arbitration practice in Hong Kong. Charles Allen has over 20 years' experience conducting high-value complex commercial litigation and arbitration in the Asia Pacific Region. Advising and assisting on a variety of business disputes, as well as regulatory and other investigations, employment law issues and transactions, Charles acts for a range of clients, including individuals, private and listed companies, multinationals, conglomerates and financial institutions. Charles conducts litigation in the High Court of the Hong Kong SAR, and is regularly involved in cases taking place in courts in other jurisdictions around the Region, including Mainland China, Singapore and India.

On behalf of clients, Charles has handled numerous ad hoc and institutional arbitrations in Hong Kong, London, Lausanne, Paris and elsewhere under various rules including ICC, LCIA, UNCITRAL and LMAA, and has handled some of the highest profile arbitration-related litigation adjudicated on by the Hong Kong courts in recent years. He also sits as an arbitrator.

Charles has been consistently recognized by various prestigious legal publications such as Chambers Asia, Asia-Pacific Legal 500 and Who's Who Legal. He gains high praise from his clients and peers for his "bags of experience" and "very sensible" approach to arbitration. He is "a very sharp and tactical lawyer - one of the best people to instruct in Hong Kong," and he is "very thorough and willing to give clients what they want at a moment's notice."

Prior to joining Orrick, Charles was since 2007 a partner and a member of the Office of General Counsel of Sidley Austin in Hong Kong.

**John Zadkovich, Counsel, Vinson & Elkins**

John is admitted in Western Australia, Victoria (Australia), Commonwealth of Australia, England and Wales, Dubai International Financial Centre and Hong Kong. His principal areas of practice are energy, oil and gas, natural resources, public international law, and finance.

John has acted as arbitration counsel and advocate in numerous international arbitrations, and has knowledge and experience of different legal systems, including European, CIS, Middle Eastern, African and Australian. He is also experienced with various institutional arbitration rules such as ICC, UNCITRAL, LMAA, ACICA, GAFTA, and LCIA.

Aside from arbitration, John has acted as both solicitor and counsel in proceedings before various Australian superior courts, Tribunals, Investigative Commissions, and in mediations. He is also experienced in applying for injunctions and freezing orders in the English High Court. John also advises on fraud, bribery, and corruption issues, as well as regulatory investigations, including coercive powers such as disclosure orders and search warrants.

**Nicolas Wiegand, Managing Partner, CMS Hong Kong**

Nicolas Wiegand acts as arbitrator and counsel throughout Asia Pacific, Europe and the Middle East. He has handled nearly 100 international commercial arbitrations under all major arbitration rules (mainly ICC, HKIAC, UNCITRAL, SIAC and DIS, but also LCIA, KCAB, DIAC, ASA, VIAC, SCC and others) as well as numerous investment treaty claims (ICSID, UNCITRAL). His most recent practice has centred on disputes relating to construction/major projects, joint venture agreements, IP and IT-related disputes, M&A transactions, licensing agreements, sales, distribution and service agreements, and gas/energy supply agreements. He additionally specialises in investor-state disputes. The focus of his work is on Asia; he has advised on numerous high profile cases at the main Asian arbitration hubs for companies from the region, Europe, the US and beyond. At CMS Hong Kong, Nicolas leads a team of lawyers specialized in arbitration disputes between East Asian and overseas companies, with a strong focus on construction arbitration and major projects.

Born and raised in Switzerland, Nicolas is a German national and, besides his longstanding practice in Germany, has previously worked in Australia, Switzerland and the United States. He now heads up the CMS office in Hong Kong, after having spent many years at Arbitration Chambers Hong Kong. Nicolas regularly sits as arbitrator in the region. He is on the panel of arbitrators of the Hong Kong International Arbitration Centre (HKIAC), the Kuala Lumpur Regional Centre for Arbitration (KLRCA), the Shenzhen Court of International Arbitration (SCIA) and the Dubai International Arbitration Centre (DIAC), among others. He regularly gives talks on arbitration-related matters at international conferences and conducts training courses for the HKIAC and others.

Nicolas is repeatedly recognised by leading legal publications such as Who's Who Legal - Arbitration and Best Lawyers as one of the leading lawyers in his field.

**Jingwen Zhu, Partner, Winston & Strawn**

Jingwen Zhu is a partner at Winston & Strawn who advises clients on merger notifications, antitrust investigations, private antitrust litigation, antitrust counseling, commercial strategy, and compliance. Dr. Zhu has experience in state-owned monopolies, privatization of infrastructure, and subsequent sector regulation. She advises clients in a wide range of sectors ranging from air and maritime transportation, health care, insurance, telecommunication, luxury goods, leisure, and hospitality to diverse manufacturing activities. Dr. Zhu has been ranked as a leading competition lawyer by International Financial Law Review 1000 (Hong Kong) from 2012 to 2017.

**Ravi Shankar, Senior Partner, Law Senate (India)**

S. Ravi Shankar is an International arbitration lawyer practising in the field of arbitration and corporate dispute resolution. He is a Senior partner in the New Delhi based Lawsenate law firm. He is a qualified Advocate on Record in the Supreme Court of India. He is also the president of "Arbitration Association of India" which is a national body of practitioners, arbitrators and users. He is holding a Post graduate degree in Business Administration and a degree in the field of law. He is having about 20 years of experience in the field of dispute resolution and has travelled across the globe on various assignments. He has published various publications in the field of law particularly in the field of Arbitration. He also has addressed various international and domestic conferences in the field of Dispute resolution. He has handled various high value arbitrations and litigations in India and outside India. He is an active member of various international professional organisations including IBA, ICCA, IAA, IAI, AAI etc..

**Leo Liu, Deputy Head (China), Singapore International Arbitration Centre**

Mr Rundong Liu is Deputy Head (China) and based in the SIAC Shanghai office.

Prior to joining SIAC, Rundong worked in the dispute resolution and antitrust practices of a Chinese law firm in Shanghai. He has previously worked in a foreign law firm and a domestic arbitration commission in China.

**Helen Su, Partner, Alston & Bird LLP**

Helen (Hui Lun), based in the firm's Silicon Valley office, concentrates her practice on litigation concerning product liability claims and cross border commercial disputes, arbitration and related strategy counseling with an emphasis on intellectual property disputes before the U.S. courts and International Trade Commission. Her practice also encompasses corporate finance, mergers, acquisitions, joint ventures and international business transactions involving the U.S., China, Hong Kong, Taiwan and Europe. She has extensive experience representing Taiwanese and Chinese companies from a variety of industries and technologies, including consumer electronics, rare earth manufacturing, medical devices, light emitting diodes (LEDs), liquid crystal displays (LCDs), semiconductors, chemical products, health care and insurance.

Before moving into private practice, Helen worked several years in Taiwan and China as general counsel to a multinational display maker company listed on the Hong Kong Stock Exchange. This unique experience allows Helen to counsel and solve clients' problems from both a legal perspective and a strategic business perspective. Helen is a frequent speaker on the topic of IP issues, product liability, director & officer liability and international arbitration in China, Hong Kong and the U.S. Helen has been invited as one of the speakers at SwissRe Academy (Hong Kong) since 2010.

**Mingchao Fan, Director, ICC Arbitration & ADR, North Asia, ICC Representative Office, Shanghai**

Dr. Mingchao Fan is the Regional Director for North Asia for the ICC's International Court of Arbitration. He is an experienced arbitrator with extensive knowledge of the Asia region, having sat on the panels of the SHAC, SHIAC and HKIAC in dozens of occasions. Before joining ICC, Dr. Fan served as Acting Deputy Director, which he still is in addition to his current role with ICC, at the PRC's Supreme People's Court Judicial Research Institute, a think tank which has seen Fan focusing on dispute resolution research on the 'One Belt, One Road' initiative - a Chinese government development strategy and framework for countries based around the Silk Road Economic Belt linking China and Central Asia and the Maritime Silk Road linking Hong Kong, Macau, the mainland and countries in the Association of Southeast Asian Nations, when he was an Associate Professor of Law at Shanghai University of Political Science and Law. He holds a PhD from the East China University of Politics and Law and Duke University, where he was a Fulbright Scholar.

## China: 3<sup>rd</sup> Annual International Arbitration, Compliance & Competition Law Summit - Beijing

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