

ASIAN LEGAL BUSINESS

亚洲法律杂志 - 中国版 CHINA

MAY 2022 / CHINA EDITION

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2022 ALB CHINA REGIONAL RANKING:

SOUTH CHINA FIRMS & RISING LAWYERS

2022 ALB CHINA 区域市场排名:

华南地区律所和律师新星

CHINA'S TOP IP LAW FIRMS

ALB CHINA 知识产权业务排名揭晓

OFFSHORE LAWYERS AS
PICKED BY CLIENTS

客户首选的杰出离岸律师

ARBITRATION CENTRES
EVOLVE WITH INNOVATION

中国仲裁机构创新发展不断



2022 ALB CHINA

TOP 15 NEW ECONOMY IN-HOUSE TEAMS 十五佳新经济法务团队

作为代表着中国经济发展新动能的新经济企业,迸发出强大的生命力和创新力,彰显着中国经济的活力和潜力,同时,新技术、新业态、新模式,也使新经济企业发展面临着各种各样的机会和挑战。新经济企业的法务团队在复杂的商业环境和日趋严格的监管环境下,以迅速的应变能力、富有前瞻性的思维、创造性的解决方案为企业提供符合业务需求的、全方位、超高效的法律支持,同时保证监管合规。新经济企业法务团队的工作彰显着蓬勃的创造力和法律人的韧性,激荡着新经济企业在中国经济发展中的巨大能量。

汤森路透《亚洲法律杂志》(ALB)现启动2022 ALB China十五佳新经济法务团队评选活动,这是ALB第三次聚焦市场上顶尖的新经济法务团队。此次调研结果将刊登在2022年9月《亚洲法律杂志》中国版。

2022 ALB China十五佳新经济法务团队评选由通商律师事务所独家赞助。

评选信息咨询,请联系ALB China调研团队: TRALB.Ranking@thomsonreuters.com

独家赞助



通商律師事務所
COMMERCE & FINANCE LAW OFFICES

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ONWARDS AND
UPWARDS
中国仲裁, 革新不断

Olivier Le Moal/Shutterstock.com

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During the past year, South China has seen regulatory updates that created a better business environment, expanding the space for the legal services market. In this rapidly developing region, the law firms and lawyers are holding an open attitude towards the changes, opportunities, and challenges. The second edition of ALB's South China regional ranking spotlights the top firms and Rising Lawyers in the region.

今年是ALB第二年推出华南地区区域市场排名。过去一年里, 华南地区的一系列政策动态持续优化营商环境, 为法律服务市场带来了更多空间。对于未来, 华南的律所和律师们持着开放的态度, 他们将继续抓住机遇、迎接挑战。
Ranking by ALB, text by Kristen Liu

With contributions from:

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竞天公诚律师事务所
- JunZeJun Law Offices
君泽君律师事务所

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Chinese arbitration institutions have continued their journey towards becoming world-class through the twin strategies of

specialisation and internationalisation. 中国仲裁继续向专业化、国际化的方向发展。我们与领先仲裁机构的负责人聊了聊机构的改革创新、国际化之路,《仲裁法》意见稿将带来的影响,及下一步发展策略。

36 2022 ALB China IP Rankings 2022 ALB China 知识产权业务排名

As China has made it a national policy to "build a powerhouse with intellectual property rights," the country's IP field is expected to develop even more rapidly. The winning firms in this year's ALB China IP rankings are undoubtedly helping to show the way forward. 伴随“知识产权强国”成为新国策, 该领域预期经历更为快速的

发展, 今年上榜ALB China 知识产权业务排名的机构无疑是未来的引领者。
Ranking by ALB, text by Hu Yangxiaoxiao

With contributions from:

- Beijing Docvit Law Firm
北京市道可特律师事务所
- Commerce & Finance
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In its annual list, ALB highlights some of Asia's distinguished lawyers working with offshore law firms. 在这份年度榜单中, ALB评选出了亚洲地区最为杰出的离岸律师。
List by ALB, text by Bingqing Wang

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FROM THE EDITOR

THE POWERHOUSE SOUTH 南方“动力”

For decades now, China's southern provinces have been at the forefront of the country's economic growth, and 2021 was no different. Guangdong was the fastest-growing province in China in terms of GDP last year, with Fujian (8th) also in the Top 10. This growth extended a tech boom of more than a decade, backed by private-sector names like Huawei and Tencent, in a strong digital economy that further thrived in a social-distancing era. It is a well-known fact that where businesses go, lawyers follow, and the economic prosperity of the region has been mirrored by a thriving legal scene. Apart from law firms headquartered in Beijing and Shanghai – not to mention international ones – setting up shop in South China, we have also witnessed the establishment, and subsequent rise, of homegrown law firms.

With that in mind, we continue to highlight the outstanding firms and practitioners in the southern provinces of Guangdong, Guangxi, Fujian and Hainan. In these provinces we find law firms and lawyers that have sprouted in the fertile soil of the south; they are pragmatic and entrepreneurial, smartly combining legal and business acumen. As the most innovative Chinese technology companies stride confidently into a post-pandemic world, these are the lawyers that are showing their way.

过去几十年中,中国的南部省份一直引领着中国经济增长——2021年也不例外。广东省是过去一年中国GDP增速最快的省份,福建省同样位列前十(排名第八)。这样的增长获益于过去十年里南方的科技发展热潮——这里涌现出了以华为、腾讯等为代表的巨擘,而伴随“社交距离”时代的继续演进,数字经济也将再次腾飞。长久以来,经济发展之地,也是律师寻访之处,该地区的经济繁荣自然也折射为法律服务的兴盛。除了总部位于北京和上海的律所纷纷在这里设立办公室外,我们也见证了本土律所的设立及崛起。

今年,我们继续将目光投向这些南部省份——即广东、广西、福建和海南的杰出律所及法律从业者。我们寻访到了在这片沃土中茁壮生长的律所和律师:他们务实而又具备企业家精神,巧妙地将法律和商业敏锐度合而为一。随着中国最顶尖的科技公司大步迈入后疫情时代,律师们也将帮助它们照亮前路。

RANAJIT DAM, Managing Editor, Asian Legal Business, Thomson Reuters

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MCI (P) 029/02/2019
ISSN 0219 - 6875
KDN PPS 1867/10/2015(025605)

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ALB SHANDONG IN-HOUSE LEGAL SUMMIT 2022

2022 ALB 山东企业法律顾问峰会

8 July 7月8日 – Qingdao 青岛

In-house counsels tasked with managing legal risks for their businesses face interesting times ahead. Today's volatile business climate has created an environment filled with uncertainty, tight deadlines and limited resources. This will force in-house counsels to rethink their risk management plans, resource planning and more.

Asian Legal Business is proud to present the inaugural ALB Shandong In-House Legal Summit on 8 July, 2022. This annual summit gathers senior-level corporate counsels, business leaders and private practitioners from Shandong and its surrounding areas to gain insights into the frontiers of business, and discuss and share the role of in-house counsels in helping enterprises develop business.

企业法律顾问凭借着高度的专业能力, 对企业业务的深度理解, 在复杂多变的商业环境下对监管导向和市场变化快速作出反应, 为企业的业务决策提出可行性的法律意见和全方位的支持, 在业务发展中扮演着举足轻重的角色。

作为《亚洲法律杂志》(ALB) 规模最大、最具影响力的会议之一, ALB 企业法律顾问峰会已分别在北京、上海、深圳等城市成功举办, 带着当下法律和商业的热点问题, 《亚洲法律杂志》(ALB) 将于2022年7月8日来到山东, 聚焦山东这一经济实力强劲、产业底蕴深厚的大省, 汇集百余位山东地区的资深企业法律顾问、商业精英、业界专家, 探讨山东省企业在创新发展、战略转型、产业结构调整和升级、激发企业经济活力中面临的机遇和挑战, 解读法律热点、分享法律实务、洞察商业前沿态势, 以专业、创新的思维和视野共同发挥企业法律顾问和企业高管在助力业务发展中的最大价值, 深度挖掘当今山东企业发展的新机遇。

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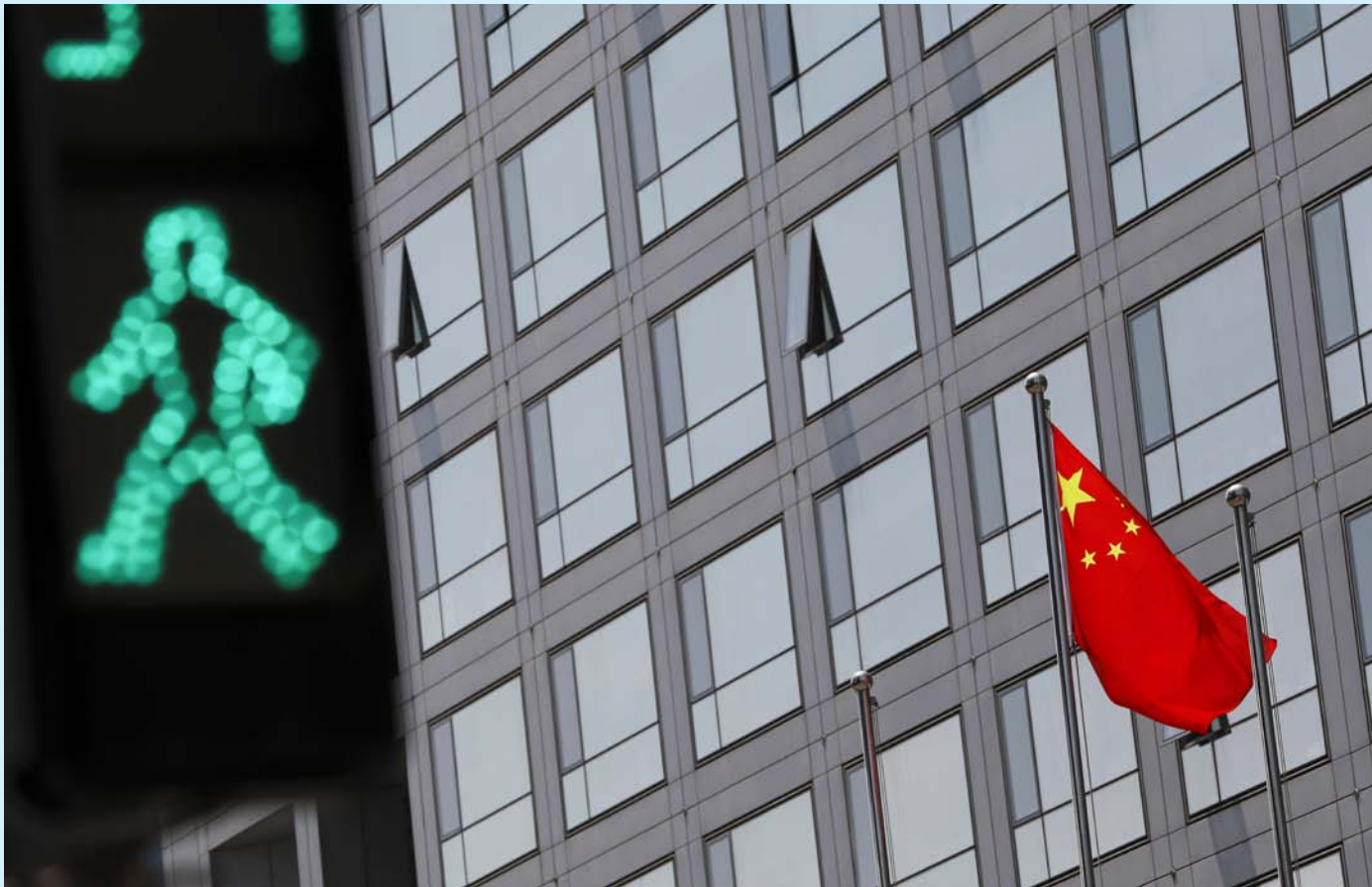
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OLIVE BRANCH

证监会积极应对退市危机

Even as the U.S. securities regulator identified Chinese firms likely to be delisted from New York for not meeting auditing requirements, the China Securities Regulatory Commission (CSRC) issued draft rules addressing confidentiality and document management for overseas listings of Chinese companies, in an effort to resolve China's ongoing audit dispute with the U.S.

由于难以满足审计要求，美国证券监管机构可能将大量中概股公司纳入“预摘牌名单”，就此，中国证监会公布新规，旨在解决中美间不间断的审计争议。

BY ASIAN LEGAL BUSINESS 作者：《亚洲法律杂志》

The long-running Sino-U.S. spat over listed companies continues. In early May, the Securities and Exchange Commission (SEC) added more than 80 firms to its list of U.S.-listed Chinese entities facing possible expulsion from American exchanges, including JD.com, Pinduoduo, Bilibili, and NetEase.

The list has been created under a 2020 law known as The Holding Foreign Companies Accountable Act (HFCAA), which aims to remove foreign-jurisdiction companies from U.S. bourses if they fail to comply with American auditing standards for three years in a row.

At the same time, China has been looking to ease the standoff. In early April this year, the CSRC issued draft rules to revise confidentiality regulations involving offshore listings in order to support the IPOs of Chinese companies overseas. Under the new rules, it is expected to reduce unnecessary confidential sensitive information entering audit working papers and improve the efficiency of cross-border regulatory cooperation.

The CSRC is keeping an eye on the HFCAA, following rules released by the U.S. SEC and the Public Company Accounting Oversight Board (PCAOB) and recently held a press conferences to respond to several updates to the U.S. regulation.

There have been several updates the rules in the U.S., including the release of the HFCAA, final rules relating to the HFCAA, and HFCAA determinations by the PCAOB. In addition, the CSRC proposed rules governing Chinese companies listing abroad on Dec. 24 last year.

"All of these indicate that the Chinese authorities are paying attention to the overseas listing of Chinese enterprises and cross-border supervision cooperation. Also, the regulators have begun to formulate and revise relevant regulations and rules," says Zhan Jingxin, partner at Global Law Office. "As one of the supporting regulations for the above-mentioned matters, the draft rules by the CSRC are also part of the work in the past year. It is not a sudden change."

Zhan believes the final pre-imple-



Zhan Jingxin 湛晶心



Zhang Zhen Zhen 张真真

mentation procedures for the HFCAA have been completed after the PCAOB announced on Dec. 16, a list of audit institutions that were unable to perform inspections.

"During the release of the annual report from March to April 2022, it was expected that some U.S.-listed Chinese companies would be included on the SEC's delisting list," says Zhan.

REMOVING BARRIERS

In early March, the SEC included five U.S.-listed Chinese companies in the first batch of delisting lists, including BeiGene, Yum China Holdings, Zai Lab, ACM Research, and Hutchmed China. Almost immediately, the CSRC said that it along with China's Ministry of Finance would continue communications with the PCAOB to achieve positive progress.

Therefore, Zhan believes the draft rules were also a response to this issue.

Firstly, the draft rules expanded the scope of this regulation to cover Chinese companies listed through the indirect overseas structure. They also removed the requirement that "on-site inspections should mainly be carried out by Chinese regulatory agencies and that foreign authorities should rely on results from Chinese regulatory agencies."

The draft rules state that "(cross-border investigation and evidence collection or inspection) shall be conducted through the cross-border regulatory cooperation mechanism, and the CSRC or the relevant authorities shall provide necessary assistance per the bilateral

and multilateral cooperation mechanism."

Zhan points out that if the draft rules are formally implemented, the legal obstacles for the PCAOB to conduct on-site inspections of audit agencies based in China will be eliminated.

"As stated by the CSRC at the press release, the draft rules reflect how Chinese regulators are willing to make cross-border audit and supervision cooperation," says Zhan. "This means that China-U.S. securities regulatory cooperation is not impossible, which is a positive signal. However, the draft rules' impacts more on the easing of market sentiment. Whether the delisting crisis can be resolved depends on the subsequent implementation of the China-U.S. cross-border regulatory cooperation mechanism."

MASSIVE IMPACT

Hong Kong SAR and the U.S. have long been the two major markets for mainland Chinese companies to list overseas. The delisting crisis has made companies more prudent when choosing where to list.

"Before the Sino-U.S. cross-border regulatory cooperation mechanism is formally achieved, it is safer to list in Hong Kong SAR than in the U.S. Chinese companies need to comprehensively consider various factors to choose Hong Kong or the U.S. for listing. The draft rules alone will not lead to a wave of Chinese listing in the U.S.," says Zhang Zhenzhen, partner at Global Law office.

Zhang says the draft rules are not the only factor affecting Chinese companies when they choose overseas listing markets.

"In addition to the cross-border regulatory cooperation mentioned in the draft rules, the revised Cybersecurity Review Measures, the Regulations on Network Data Security Management (Draft for Comments), and the Measures on Data Export Security Assessment (Draft for Comments) will also impact companies' market listing choice," says Zhang.

While the Chinese and American governments are working things out, Chinese companies are also taking measures to deal with this crisis.

In late March, BeiGene hired EY in the U.S. as its principal auditor of financial statements to be filed with the SEC, in place of China-based Ernst & Young Hua Ming.

"The key point of the delisting risk is that the PCAOB says that it cannot conduct on-site inspections of audit institutions and obtain audit papers in China," says Zhang.

Article 177 of China's Securities Law stipulates that overseas securities regulatory agencies shall not directly conduct investigations and evidence collection in China, and no entity or individual shall provide documents and materials related to securities business activities abroad without approval, according to Zhang.

The Interim Provisions on Accounting Firms' Provision of Auditing Services for the Overseas Listing of Enterprises in the Chinese Mainland requires that overseas accounting firms should conduct business cooperation with China's accounting firms, and the audit working papers formed in China should be deposited by domestic accounting firms in China.

In addition, the regulations also require overseas accounting firms to perform filing procedures with the financial department for each audit item. Domestic enterprises are not allowed to provide accounting files to overseas accounting firms that have not performed the corresponding procedures.

"Therefore, U.S.-registered accounting firms cannot independently carry out auditing activities within China, and they cannot access audit manuscripts outside of China. Hiring U.S.-registered accounting firms will not solve the problems unless China and the U.S. reach an agreement on cross-border regulatory cooperation," says Zhang.

The draft rules also expected to impact law firms.

"The draft rules tighten policies that Chinese enterprises and intermediaries should follow in the process of managing confidential and sensitive information. Law firms should establish a confidentiality and archives system," says Zhang. "They need to take measures to implement confidentiality and file management responsibilities, and shall not divulge state secrets, nor damage national and public interests. They also need to pay attention to the confidentiality obligations and responsibilities of each subject in the confidentiality agreements."

In the long run, law firms need to keep a close watch on the progress and results of China and the U.S. authorities' rules on overseas listing of Chinese companies and cross-border regulatory cooperation, especially on data disclosures involving national security and interests, identification and compliance of confidential information, data security and data export compliance. They need to further clarify the boundaries of responsibility and effectively prevent risks, says Zhang. ^{ALB}

中美间关于中概股上市公司的争端还在继续。5月初,美国证券交易委员会(SEC)再将超过80家中概股公司纳入“预摘牌名单”,其中包括京东、拼多多、B站、网易等众多大体量“明星”公司。

该名单源于一部名为《外国公司问责法》的法规,其规定,如果外国上市公司连续三年未能提交美国上市公司会计监督委员会所要求的报告,SEC有权将其从交易所摘牌。

与此同时,中国正尝试缓解这一僵局。今年4月初,中国证监会公布《关

于加强境内企业境外发行证券和上市相关保密和档案管理工作的规定(征求意见稿)》(“《规定》”),旨在支持各类符合条件的企业赴境外上市。新规预计将减少不必要的涉密敏感信息进入工作底稿,提高跨境监管合作的效率。

证监会表示,其一直在密切关注《外国公司问责法》及后续美国SEC和美国公众公司会计监督委员会(PCAOB)监管规则的制定。在《外国公司问责法》、SEC的《外国公司问责法》正式实施细则、PCAOB的《〈外国公司问责法〉认定报告》通过或发布后,中国证监会都安排了新闻发布会表明立场和态度。同时,早在2021年12月24日,中国证监会已经就中国企业境外上市相关制度规则公开征求意见。

环球律师事务所合伙人湛晶心律师告诉ALB,“这些都表明中国相关主管部门持续关注中国企业境外上市和跨境监管合作问题并着手相关法规和规则的制定和修订工作。因此,《规定》作为前述事项的配套规定之一,证监会和其他相关部门对其修订也是近一年多来的工作计划的一部分,并非突然为之。”

湛晶心律师认为,2021年12月16日PCAOB《〈外国公司问责法〉认定报告》公布无法执行检查的具体审计机构名单之后,《外国公司问责法》实际执行的最后一个前置程序已经完成。

“在2022年3月至4月年报发布期间,相关中概股公司陆续进入SEC的具有退市风险的名单是一个可预期的事件。”湛晶心律师说。

消除障碍

3月初,SEC将五家在美上市的中国公司列入首批退市风险名单,包括百济神州、百胜中国、再鼎医药、盛美半导体、以及和黄医药。

随后,中国证监会发布公告称,近一段时间,中国证监会和财政部持续与PCAOB开展沟通对话,并取得积极进展。因此,湛晶心律师相信中国证监会在4月初公布就《规定》修订公开征求意见也是对相关事项的一个回应。

具体到《规定》内容,首先,此次修订将适用范围扩大至间接境外上市企业。其次,在备受关注的跨境取证和检查方面,删除了原《规定》中“现场检查应以我国监管机构为主进行,或者依赖我国监管机构的检查结



REUTERS/Tingshu Wang

果”的表述，代以“（跨境调查取证或开展检查）应当通过跨境监管合作机制进行，证监会或有关主管部门依据双多边合作机制提供必要的协助”。

湛晶心律师认为，上述修订如果正式实施，将消除PCAOB对位于境内的审计机构进行现场检查的法律障碍。

“如中国证监会在答记者问中所述，该修订体现了中国监管部门对跨境审计监管合作的开放态度。这意味着中美证券监管合作之门没有关上，是一个积极的信号。但是本次修订带来的更多是市场情绪的缓解，而中概股退市危机是否实质解决还需要看中美跨境监管合作机制的后续落地情况。”湛晶心律师说。

后续影响

中国香港和美国一直是中国内地企业赴海外上市考虑的两大市场。此次“退市危机”使企业在选择上市地点时更加谨慎。

环球律师事务所合伙人张真真律师告诉ALB，“在中美跨境监管合作机制实际达成之前，香港上市的不确定性仍然较之美国上市更高，中国公司选择香港还是美国上市需要综合多方面因素，而不会仅因为本次《规定》修订的征求意见而出现赴美上市潮。”

而且，张真真律师相信，《规定》并非唯一影响企业选择海外上市地点的因素。

她说：“除了《规定》所涉及跨境监管合作之外，还有包括修订后《网络安全审查法》以及《网络数据安全管理条例》《数据出境安全评估办法》两个征求意见稿的实施情况，都会影响企业境外上市地的选择。”

就在中美政府就此进行积极沟通的同时，中国企业也在积极布局来渡过此次危机。

3月底，百济神州将原美股审计机构、位于中国北京的安永华明会计师事务所，更换为美国波士顿安永。

对此，张真真律师表示：“退市危机的关键点在于PCAOB认为其无法在中国境内对相关审计机构进行现场检查和审计底稿的调取。”

张真真律师指出，《证券法》第177条规定，境外证券监管机构不得在境内直接进行调查取证等活动，未经批准任何单位和个人不得擅自向境外提供与证券业务活动有关的文件和资料。《会计师事务所从事中国内地企业境外上市审计业务暂行规定》要求相关受托境外会计师事务所应当与中国内地会计师事务所开展业务合作，在境内形成的审计工作底稿应由中国内地会计师事务所存放在境内。此外，前述规定还要求境外

会计师事务所就每个审计项目向财政部门履行备案程序，境内企业不得向未履行相应程序的境外会计师事务所提供会计档案。

她认为，“因此，美国注册会计师事务所无法独立在境内开展审计活动，审计底稿也无法出境。除非中美就跨境监管合作达成一致，聘用美国注册会计师事务并不能解决前述根本问题。”

同时，本次修订对律所也有着一定的影响。

“从近期来看，鉴于《规定》加强了中国企业和相关中介机构在涉密和敏感信息的保密和管理过程中应遵循的内控原则以及外部监管要求，律所应当建立健全保密和档案工作制度，采取必要措施落实保密和档案管理责任，不得泄露国家秘密，不得损害国家和公共利益，并关注其与相关企业签订的保密协议中各主体的保密义务和责任。”张真真律师说。

而从长远来看，张真真律师告诉ALB，律所将持续关注中美相关主管部门在中国企业境外上市和跨境监管合作方面的进展与结果，特别在涉及国家安全和利益的数据披露、保密信息的认定和合规、数据安全和数据出境的合规方面，如何进一步明确责任边界、切实防范风险，还需要持续思考。ALB



REUTERS/Florence Lo

AS CHINA RESUMES GAME LICENSING, LAWYERS SAY COMPLIANCE REMAINS A TOP PRIORITY

游戏版号发放恢复，合规仍为行业要义

BY KRISTEN LIU 作者:刘诗宇

On April 11, the National Press and Publication Administration announced the approval of licenses for 45 Chinese game titles, lifting the suspension of game licensing that had been in place since August last year. While the gaming sector cheered the positive news, lawyers say that this move does not imply a change in regulatory approach. On the contrary, the regulatory tightening on

the sector is not likely to be reversed, with the emphasis still on high-quality content and protection of minors. Therefore, gaming companies need to continue ensuring compliance in this respect.

QUALITY MATTERS MORE THAN QUANTITY

It has been eight months since the last

batch of approved game titles. Looking back at the months-long freeze, Zhao Yunyun, a partner at Merits & Tree Law Offices, says that it mainly involved a series of regulatory adjustments relating to the protection of minors, including installing an anti-addiction mechanism, discouraging conspicuous consumption, and banning unhealthy content.

Although China has resumed game licensing now, the number of approvals is far less than before, with the 45 new titles barely making up half the number (87) of last July. This continues a steady trend of declines in game approvals. According to egsea.com, a media subsidiary of the Securities Times, the number of new approvals annually has shrunk from 1,365 in 2019 to just 679 in 2021.

"A key point of the policy is to control the number of new games, rejecting poorly-made low-quality games and encouraging the development of high-quality games," Zhao says. In terms of content, games themed on cultivating intelligence, building patriotic spirit,

and ensuring the development of youth are in the “high-quality” category. Games comply with applicable policy requirements are likely to receive faster approvals.

Zhao also notes that none of the newly approved games have been produced by the country’s gaming giants like Tencent and Bilibili. This may be because, for one thing, these leading companies have a relatively substantial reserve of game titles and a short-term freeze makes no fundamental impact on their operations. For another, the policy may intend to provide support for small- and medium-sized game developers. “For smaller studios, the prolonged publication of even only one or two games can bring a heavy blow to their business,” she says.

ROLE OF LAWYERS

These approvals, however, might have come too late for a few of the smaller players, with Sina Technology reporting that some companies behind the creation of the 45 newly approved games have collapsed. Zhao believes that in order to avoid such situations, lawyers should facilitate communications between game developers and regulators.


“As lawyers dedicated to the game industry, we always keep track of the regulatory developments. We can have better understanding of policy guidance and changes initiated by the regulators as well as their implications. We also participate in drafting communication documents between game companies and regulators, helping game companies seek more specific and practical regulatory guidelines to meet their specific needs.” Zhao says.

She adds that at the current stage, there should be no major changes in regulations over the game industry, and game companies should focus on compliance in content and other aspects when developing games. Above all, the priority should be put on the protection of minors, personal privacy, and data security.

“Regulators are in favor of companies that produce quality games of right values and encourage companies to



Zhao Yunyun, partner at Merits & Tree Law Offices
赵芸芸 植德律师事务所合伙人

explore the overseas market. By taking into account the regulatory direction, companies are expected to see sustainable business growth,” Zhao says. 

今年4月11日,国家新闻出版署公布了国产网络游戏审批信息,一共有45款游戏获得了版号,结束了自去年8月开始的版号核发“冻结期”。尽管这一监管动态被从业人员视为行业回暖的信号,但律师指出,游戏行业的监管思路其实并未改变,始终坚持优质的游戏内容、加强对未成年人的保护,从业者仍须将此视为合规重点。

游戏内容精品化

距离国家新闻出版署上一次批准游戏版号已经过去了八个月。回顾这段“冻结期”,植德律师事务所合伙人赵芸芸律师表示,这主要是监管机构出于对未成年人的保护而做出的一系列调整,包括建立防沉迷机制、禁止攀比消费和不良题材等。

如今,版号发放虽已恢复,但数量大不如前。去年7月,共有87款游戏获得版号,此次发放的数量减少了近一半。这也并非游戏版号数量的首次下滑,据《证券时报》旗下媒体“e公司”统计,版号数量自2019年起就持续缩减:2019年审批通过1365个,2020年1308个,2021年则减少到679个。

“通过调控总量,摒弃一些低质量、粗糙的游戏,转而鼓励精品游戏的开发,是此次政策引导的一个要点,”赵律师说。她表示,就内容而言,在这一批获得版号的游戏,青少年益智类、“红色”题材类、成长题材类等都被单独划分的,这些质量上乘、符合政策要求的游戏未来应该会获得比较长足的发展。

赵律师还注意到,类似腾讯、Bilibili这样游戏市值排名比较靠前的公司并未出现在这一批获得版号的游戏厂商名单中。她认为,一方面,这些公司的游戏版号储备足够丰富,短期的冻结对公司运营的影响尚不触及根本;另一方面,这也可以解读为政策对中小游戏厂商有所扶持的风向标,“对于这类公司而言,即使只有一两个产品迟迟得不到发布,也有可能对其运营带来较大打击。”


市场的反应在一定程度上印证了赵律师的观点。据《第一财经》报道,有游戏公司高管曾表示,版号发放暂停期间,公司工作进展缓慢,运营陷入艰难局面。而恢复版号发放后,不少游戏公司高管在社交平台上表达了喜悦之情,中概游戏股股价也有所上涨。

律师的角色

并非所有的中小游戏公司都熬过了“寒冬”。根据新浪科技,最新发放的45款版号中,多个过审游戏背后的公司已经倒下。赵律师认为,无论是从业者还是监管机关,都不愿看到这样的版号“浪费”。律师要发挥自身的优势,帮助游戏公司加强与监管机构的沟通。

“作为专注于游戏行业的律师,我们一直关注监管的动向,对于某一次监管的引导性、监管机关的变更及其背后的含义,我们会有更深入和长期的理解。我们的具体业务也涉及到游戏公司与监管机关沟通文件的起草,能够从游戏公司具体的需求出发,向监管机关寻求更加具体的实操指引。”赵律师说。

赵律师表示,从目前来看,游戏行业的监管暂时不会有较大的变化,游戏公司应该在内容和其他各层面合规的前提下去打造自己的产品,尤其要将未成年人保护以及个人隐私保护、数据安全等作为合规重点。

“目前的监管支持精品化、内容符合价值观导向的游戏公司,同时也鼓励游戏‘出海’。游戏从业者朝着监管倡导的方向去思考自己的业务,应该获得更长远的发展。”赵律师说。 



CRYSTAL CHEN

陈晶

LEAVING 原就职律所

Linklaters 年利达律师事务所

JOINING 现就职律所

DLA Piper 欧华律师事务所

PRACTICE 业务领域

Project Finance 项目融资

LOCATION 地点

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JULIE GAO

高准

LEAVING 原就职律所

Skadden, Arps, Slate, Meagher & Flom
世达国际律师事务所

JOINING 现就职律所

ByteDance 字节跳动

PRACTICE 业务领域

Capital Market 资本市场

LOCATION 地点

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Capital Market 资本市场

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Shanghai 上海



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Dispute Resolution 争议解决

LOCATION 地点

Hong Kong SAR 中国香港特别行政区

垄断民事纠纷的仲裁与 法院管辖冲突之探讨 ——以本所胜诉案件为起点



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近日，最高人民法院就上海游族信息技术有限公司（以下简称游族公司）诉华特迪士尼（中国）有限公司滥用市场支配地位纠纷一案作出（2021）最高法知民终880号民事裁定书，裁定指出“当事人在合同中约定的仲裁条款不能成为排除人民法院管辖滥用市场支配地位垄断纠纷的当然和绝对依据”，并认定该案诉讼属于人民法院的管辖范围，据此裁定撤销一审裁定，指令上海知识产权法院审理。在一审裁定驳回游族公司起诉的情况下，本所代理游族公司在二审中赢得胜诉。

自2016年江苏省高级人民法院在嵩旭科技与三星案中首次指出垄断纠纷应由人民法院管辖以来，最高院在6个案件中对“仲裁条款能否排除人民法院对垄断纠纷的管辖权”问题上作过表态，连同嵩旭科技与三星案，共计7个案件。如果说2021年之前，关于垄断纠纷是否可仲裁在司法实践中仍然处于模糊状态，那么2022年，通过最高院作出的包括本所代理的游族诉迪士尼案在内的2案裁定所释放出的信号，我国对于现阶段通过仲裁程序审理垄断纠纷所持的相对保守态度已经逐渐明晰。

本文尝试从相关判例、现行规定、以及国内当前土壤等角度，对行业内一直以来关于垄断民事纠纷的可仲裁性、以及适宜仲裁性等相关问题进行探讨，以求为面临类似争议的案件给出指引。

一、问题的提出

自2016年嵩旭科技与三星案以来，关于垄断民事纠纷在国内是否可以仲裁这一问题，引发了不少的讨论，其中不乏对垄断民事纠纷可仲裁的支持者。支持垄断民事纠纷在我国应当允许仲裁的理由主要不外乎两个方面：

- (1) 垄断民事纠纷具有可仲裁性；
- (2) 我国应当顺应国际潮流，借鉴美国和欧盟的反垄断法域经验。

仔细分析上述两点理由后，本文谨在此抛砖引玉的指出上述理由相互之间的矛盾之处以及值得商榷的问题：

首先，为何必须借鉴国外的最新做法，而不是借鉴国外在与国内当前法制条件相同情形下的做法呢？相关文章在分析美国和欧盟的先进做法时，不约而同的提及了美国和欧盟也存在很长一段对反垄断争议可仲裁性持消极态度的时期。

其次，如果“可仲裁性”就是仲裁条款可以排除人民法院对垄断民事纠纷的管辖的充分条件，那么欧美又为何在很长一段

时间里认为垄断民事争议不适宜仲裁？

再次，垄断民事纠纷究竟是否具有“可仲裁性”？

二、对在先案例裁判观点的延伸——“可仲裁性”+“适宜仲裁性”方为充分条件

本文粗浅地认为，在进行一项制度选择时，绝不仅仅需要考虑“能不能”，还需考量“可不可”。具体到垄断纠纷是否应允许仲裁，便应当同时考察垄断纠纷的“可仲裁性”（垄断纠纷是否属于可仲裁范围）和“适宜仲裁性”。

首先，针对“可仲裁性”，本文认为，虽然没有明确的规定指出垄断纠纷不属于仲裁范围内，但回归仲裁的法理基础以及仲裁条款的本质来看，仲裁条款实质上是当事人双方合意授权仲裁庭解决他们之间纠纷的协议，贯穿着当事人双方的自由意志。因此相对性是仲裁条款的基本属性，即仲裁审理事项应当仅限于当事人之间的权利义务或纠纷。换句话说，仲裁范围内的民事纠纷应当具有可处分性。而被称为“经济宪法”的反垄断法负有对市场竞争秩序根本性的维护重任，被认为具有强烈的公法色彩，因此，垄断民事纠纷所涉法益以及审理事项均大大超出当事人之间的权利义务或纠纷范围。

其次，针对“适宜仲裁性”，从上文所述支持者的逻辑矛盾之处也能看出，垄断民事纠纷的“适宜仲裁性”也不容忽视。除了在先案例中已有提到的我国尚未形成成熟的反垄断法和司法经验外，或许还有国内商事仲裁发展现状中的局限性。我国商事仲裁制度属于舶来品，从时间维度来衡量，我国《仲裁法》颁布实施与《纽约公约》问世相距数十年，因此“从历史沉淀、仲裁文化传播、大众认知、市场需求、司法制度保障”多个角度来看，我国仲裁制度在体制机制、实操能力等方面都亟待培育、优化，现阶段垄断民事纠纷显然不具有“适宜仲裁性”。

【结语】

2021年被称作“反垄断元年”，国家对反垄断的重视达到前所未有的程度，但同时在我国反垄断制度仍需持续深化，反垄断法和司法水平仍需进一步提升的现状下，将具有强烈公共政策性质的垄断民事纠纷统一由人民法院管辖（具体地说由最高人民法院统一负责垄断民事纠纷二审审理），更能保证案件审理质量，统一全国反垄断案件的审理尺度。

¹ 江苏省高级人民法院（2015）苏知民初字第00072号民事裁定书。

² 深圳市中级人民法院、上海知识产权法院也有类似裁定，但因相关裁判未公开，未在表格中体现。

³ 《〈双语〉论反垄断民事争议的可仲裁性 The Arbitrability of Antitrust Civil Disputes in China》，Global Law Office, John Wan, Guo Cheng and Wang Mengzhen, 网址：<https://www.lexology.com/library/detail.aspx?g=0cb7b498-12fd-4b8c-9db4-b1a8cac1b93c>, 最后访问时间：2022年4月3日。

⁴ 《中国反垄断民事争议的可仲裁性》，黄伟，网址：<https://chenlitong.blog.caixin.com/archives/137758>, 最后访问时间：2020年4月2日。

⁵ 《我国仲裁的受案范围浅析》，成都仲裁委员会，网址：<http://www.cdac.org.cn/news-view/643>, 最后访问时间：2022年4月2日。

⁶ 《从比较法的角度论我国反垄断争议的可仲裁性》，中国政法大学，杜新丽。

⁷ 《中国仲裁事业发展的六个核心问题》，知乎，网址：<https://zhuanlan.zhihu.com/p/360859145>, 最后访问时间：2022年4月2日。

\$4.38_{BLN}

CNOOC's listing in Shanghai

Deal Type: ECM
Firms: Davis Polk & Wardwell,
DeHeng Law Offices, AllBright Law Offices
Jurisdictions: China, Hong Kong SAR

中海油上交所上市

交易类型: 股权融资
参与律所: 德恒律师事务所、
锦天城律师事务所、
达维律师事务所
管辖地: 中国, 中国香港特别行政区

\$4_{BLN}

Rongxin Tongda's issuance of notes

Deal Type: Note
Firm: Dentons China
Jurisdictions: China

融信通达发行票据

交易类型: 票据
参与律所: 大成律师事务所
管辖地: 中国

\$450_{MLN}

Contemporary Amperex Technology's strategic investment of Shanshan Lithium Industry

Deal Type: M&A
Firm: Commerce & Finance Law Offices,
Grandway Law Offices
Jurisdictions: China

宁德时代新能源战略投资上海杉杉锂电

交易类型: 并购
参与律所: 通商律师事务所、
国枫律师事务所
管辖地: 中国

\$295_{MLN}

Gold Bund Group's offering of bonds

Deal Type: DCM
Firm: Hylands Law Firm
Jurisdictions: China

金外滩集团发行公司债券

交易类型: 债券
参与律所: 浩天律师事务所
管辖地: 中国

\$230_{MLN}

Asia's first double ESG bond issuance by Yunnan Provincial Energy Investment Group

Deal Type: DCM
Firm: Linklaters
Jurisdictions: China, Hong Kong SAR

云南能投发行亚洲首笔双重ESG债券

交易类型: 债券
参与律所: 年利达律师事务所
管辖地: 中国, 中国香港特别行政区

\$204_{MLN}

Liangshan Development Group's offering of overseas bonds

Deal Type: DCM
Firms: Fangda Partners, Tahota Law Firm,
AllBright Law Offices
Jurisdictions: China, Hong Kong SAR

凉山州发展集团发行境外债券

交易类型: 债券
参与律所: 方达律师事务所、
泰和泰律师事务所、
锦天城律师事务所
管辖地: 中国, 中国香港特别行政区

\$202_{MLN}

Jingjiang Port's offering of overseas bonds

Deal Type: DCM
Firm: JunHe
Jurisdictions: China, Hong Kong SAR

靖江港口集团发行境外债券

交易类型: 债券
参与律所: 君合律师事务所
管辖地: 中国, 中国香港特别行政区

\$150_{MLN}

Wuxing Industry Investment Husheng's offering of bonds

Deal Type: Bond
Firm: DeHeng Law Offices
Jurisdictions: China, Hong Kong SAR

吴兴产投湖盛发行债券

交易类型: 债券
参与律所: 德恒律师事务所
管辖地: 中国, 中国香港特别行政区

\$139_{MLN}

Yunkang Group's planned IPO in Hong Kong

Deal Type: ECM
Firms: Kirkland & Ellis, Maples and Calder,
Herbert Smith Freehills, Zhong Lun Law Firm,
Tian Yuan Law Firm, Kangda Law Firm
Jurisdictions: China, Hong Kong SAR

云康集团计划香港上市

交易类型: 股权融资
参与律所: 中伦律师事务所、
天元律师事务所、康达律师事务所、
凯易国际律师事务所、迈普达律师事务所、
史密夫斐尔律师事务所
管辖地: 中国, 中国香港特别行政区



通商长三角、大湾区、中西部合伙人 畅聊发展之路:信仰专业 携手共进



陈巍
通商律师事务所合伙人



朱海燕
通商律师事务所合伙人



刘问
通商律师事务所合伙人



戴凌云
通商律师事务所合伙人



周俊轩
通商律师事务所合伙人



陈相瑜
通商律师事务所合伙人



郑东平
通商律师事务所合伙人

2022年,通商律师事务所成立30周年,在奋进中发展,在变革里新生,以专业化立所之本,夯实专业基础,下沉行业,积极拓展业务领域及区域布局,通商各分所将其理念、专业服务精神和行业深度融入各地的法律服务市场中,取得了不俗业绩。在30岁生日来临之际,ALB对话通商长三角、大湾区、中西部合伙人代表,旨在交流互鉴、共话发展。

立足优势专业,融入当地发展

借助早期奠定的专业化优势,伴随中国区域市场的改革发展之风,在2000年前后,通商就开始扩展区域业务版图。如今在北京总部之外,通商已经在长三角、大湾区及中西部地区设立了六家分所,在做精做深通商优势业务领域的同时,积极融入当地发展大势,扩展了诸多颇具特色的业务板块。

长三角是中国历史上的经济发展重镇,通商在这里布局了上海、杭州两家分所。通商上海合伙人朱海燕律师对ALB回忆道,通商在上海市场发展已逾20年,其优势领域从设立之初的资本市场、投融资,逐渐扩展到了近年的争议解决、证券诉讼、家族财富、税务等领域。“随着越来越多合伙人和律师的加入,依托通商大平台优势,内部资源共享,业务板块的延伸和扩展,通商能够为客户提供更好、更全面的服务。”朱律师感慨道。

新优势业务领域的发展得益于通商对于区域经济发展,以及法律服务市场特点的积极布局。通商上海合伙人戴凌云律师表示,以上海市场为例,这里拥有众多跨国公司在华总部,法律服务因此具有鲜明的涉外特点。由于地缘优势,近年还涌现出很多新经济行业,涉及生物医药、半导体、自动驾驶等领域,由此,新兴业务的开拓对律师的行业知识与研究能力也提出新要求,专业化建设和人才培养,也是我们这几年着力打造的方向之一。

2021年,长三角区域整体区域长效联动发展,随之而来的是对高端法律服务的强烈需求,通商落子杭州,通商杭州合伙人陈相瑜律师对ALB谈到,长三角地区实体经济强大,激发了资本市场和金融领域的创新,这与通商的核心优势业务形成“匹配”,通商杭州因此扎根于资本市场、金融银行领域,长期服务于国企、上市公司、政府机关等。此外,陈律师观察到,活跃市场催生经济创新,但也催生更高的法律风险,因此,在专注前述核心领域的基础上,通商还积极补充刑事合规、房地产建设工程、知识产权、政府法律服务等领域,持续满足长三角法律服务市场多领域的需求。

作为中国另一块重量级经济粤港澳大湾区,同样聚集了数量众多的民营企业,尤其是科技、医药健康以及制造业企业,他们对于投融资也有着巨大需求。回忆过往发展,通商深圳合伙人刘问律师指出了一个有趣的“巧合”:通商深圳的办公地点从最早的罗湖口岸,到福田CBD,再到如今的粤海街道,几经变迁,其中不但反映出通商深圳的发展历程,也浓缩了深圳这座城市的经济发展轨迹。而身处浪潮中,通商深圳的业务领域也从一开始以港股IPO,逐渐拓展至争议解决、投融资、企业合规、出口管制等领域,人员规模也几经扩展。

通商香港合伙人周俊轩律师介绍道,通商香港分所已设立近四年,拥有几十位律师及专业人士,主要专业范畴为公司法/合并和收购、资本市场、银行与金融、诉讼和争议解决、私人客户、税务安排,为本地及全球的金融机构、各类产品制造商、私募股权基金、地产发展商、上市及私企及高净值资产个人及家族等客户按其独特需求,提供广泛而实用的商业法律服务。

过去几年,伴随中国“中部地区崛起”战略、西部大开发进入“2.0时代”的脚步,通商也致力于用自身业务及平台优势,服务于更多活力愈发涌现的区域市场,成都、武汉分所应运而生,进一步完善了通商在中西部市场的布局。

谈到通商如何借助自身专业优势服务这些“新兴市场”,通商成都合伙人陈巍律师告诉ALB,近些年,作为中国经济“第四极”,成都经济发展强劲,催生出大量资本市场、投融资、公司法等多个领域的法律服务需求,这些正是通商的传统优势领域。作为同样于2021年新设的分所,通商成都“得到了总所以及其他分所的专业能力支持,助力通商成都快速建设深入企业服务的能力,一方面看分所对通商原有西部客户的本土化,另一方面亦加强了通商传统优势领域在西部的业务拓展”。

在中部重镇武汉,通商武汉合伙人郑东平律师谈到,武汉市场在新经济、资本市场、投融资并购等高端业务领域已经产生了相当强劲的需求,然而当地律师的服务水平与市场需求间存在差距,通商刚好可以凭借这些领域里的优势迅速填补空白、满足当地需求,通商落子武汉因此也得到了当地省市司法主管机构的高度认可和支持。

广纳人才,实现快速发展

作为注重“人和”的商业组织,在各地市场,通商凭借精深的专业能力、健全的管理制度,以及兼容并包的平台支撑,吸引了大量卓越人才加盟,实现了通商在全国范围内的快速发展。

朱海燕律师告诉ALB,分所规模经历了不断壮大,这主要得益于通商平台整体的业务优势,以及业务领域不断的“自我拓展”。戴凌云律师回忆道,2015年前后,通商上海就吸引了一批泛资本市场领域合伙人的加入,包括刘涛律师、姜涛律师和沈军律师等,“后来又招募扩展到了能与通商形成互补效应的业务领域,迎来了包括证券合规律师李阿敏、家族财富管理刘望、反垄断和数据合规律师黄凯、税务律师陈浩然在内的多领域专家。经过这两个阶段,通商上海分所在保持传统优势的同时,也为通商在新兴业务领域积累了丰富经验。”

“2021年我们又新引入了破产重整业务团队。我们的律师多次获得ALB、钱伯斯、Legal 500等第三方评级机构奖项或榜单荣誉,通商上海分所去年也入选了‘2021 ALB China 区域市场排名:长三角地区’,以及静安区律所20强。”朱律师补充道,“借助通商所鼓励并倡导得内部交流、合作文化,相信未来我们在业务领域上会有更全面的布局和融合。”

越是高度发展的市场,对于专业人才的要求就越高。刘问律师指出,“在大湾区,律师需要贴近客户才能得到他们的认可”。伴随大湾区粤港澳三地互动加强,高速发展的企业融资需求加剧,“作为一家以港股IPO业务见长的律所,通商在大湾区凭借着深圳、香港两家分所的紧密联动,为客户提供优质法律服务”,刘律师说。

周俊轩律师告诉ALB,香港的大部分业务与境内客户相关,因此香港分所与通商境内一直保持高频、高效互动,为客户提供一站式跨境法律服务。借由这样的服务能力,通商香港近年来也吸引了不少具有高学历和资深经验的律师加盟。“去年,通商香港入选了‘ALB亚洲30佳成长律所’,今年也入选了‘ALB亚洲最佳雇主’榜单,我们很高兴能得到如此肯定。”周律师说。

平台优势,实现共同发展

从北京走向全国,通商拓展业务版图的过程也有赖于其扎实的一体化管理基础,正是扎根于通商这个以合作、共享为价值理念的大平台,各分所才实现了“枝繁叶茂”的发展。

在长三角市场,很多客户都来自江浙,因此上海、杭州两家分所通过业务合作、人员调配等深层次融合机制,实现了为长三角地区客户提供多领域、综合性的法律服务。他们期待疫情平复,两家分所共同组织人员培训,加强两地律师的交流学习。

陈相瑜律师亦表示,借助通商大平台的资源共享,杭州分所将最大程度地通过资源共享和信息互通实现共振效应,取得长足发展。

在大湾区,刘问律师观察到,当地既有在传统行业发家的企业家,也有那些由年轻人掌舵的新经济“弄潮儿”,这要求律师不仅能提供切实的解决方案,还要与时俱进、跟上浪潮。“借助深圳市政府的有利政策,同时结合通商大平台的专业优势,以及成熟律师和青年人才并举的人才策略,我们持续欢迎当地优秀、有想法的人才加入,并为其提供完善的发展平台。”刘律师说。

周俊轩律师补充道,通商在深圳和香港的布局使其在大湾区具有独特优势,吸引了很多年轻律师关注,他们兼具海内外高校学历,对境内外法律均有了解,因此通商香港分所会继续加强与内地办公室的互联互通,为律师们搭建起互相学习和交流的平台。

用优势业务打开市场、逐渐深入当地是通商在中西部地区的发展策略。陈巍律师说,通商成都首先在资本市场、投融资等优势领域里率先开展业务、强化口碑,积累更多的客户,并在此基础上,纵深发展,为客户提供全方位的立体法律服务。陈律师告诉ALB,经过一年多发展,通商成都“在原有客户的基础上,拓展了包括康弘药业、新网银行、融通医疗在内的新客户,并实现了20%-30%的业务量增长。当前我们正处于在相当不错的发展势头中。此外,我们也会加大与本地律所、律师的合作,互相学习,取长补短”。

郑东平律师则表示,武汉分所所要依托突出的专业优势以及良好的市场口碑拓展中部各法律服务市场。通商的品牌优势为武汉分所拓展业务奠定了基础,丰富的业务经验为拓展中部市场打开了局面,武汉分所要继续扩大和深化通商在当地市场的品牌影响力。因此,我们已经开始把这种模式持续带到本地多个层面,服务于当地经济,充分发挥区位优势,着力提升专业素质,引领带动当地法律服务市场,为企业发展与腾飞提供法律保障,打造中部法律服务市场新高地。

为机遇,时刻准备着

30岁,而立之年再出发。展望未来,通商依然怀抱憧憬,将继续以立足中国,以开放包容的视野放眼全球,助推中国法治化进程为愿景,信仰专业、保持理性、充满信心,携手共进!

2022 ALB CHINA REGIONAL RANKING:

SOUTH CHINA FIRMS & RISING LAWYERS

2022 ALB CHINA 区域市场排名:

华南地区律所和律师新星

During the past year, South China has seen regulatory updates that created a better business environment, expanding the space for the legal services market. In this rapidly developing region, the law firms and lawyers are holding an open attitude towards the changes, opportunities, and challenges. The second edition of ALB's South China regional ranking spotlights the top firms and Rising Lawyers in the region.

今年是ALB第二年推出华南地区区域市场排名。过去一年里，华南地区的一系列政策动态持续优化营商环境，为法律服务市场带来了更多空间。对于未来，华南的律所和律师们持着开放的态度，他们将继续抓住机遇、迎接挑战。

RANKING BY ASIAN LEGAL BUSINESS, TEXT BY KRISTEN LIU 排名:《亚洲法律杂志》撰文:刘诗宇

Most of the ranked local firms were founded in the 1990s, with team sizes ranging from dozens to several thousands. They are engaged in various practice areas in commercial, civil and criminal, and more than half of the listed local firms reached revenue of more than 100 million yuan (\$15 million) last year. Baoxin Law Firm, D&S Law Firm, and

Guangdong J&J Law Firm made the list for the first time.

Of the 15 non-local firms, most are based in Beijing and 11 established presence in South China after 2000. Shenzhen and Guangzhou are the most popular cities, meanwhile cities like Xiamen, Fuzhou, Zhuhai, and Sanya also welcomed these firms. Most of these

firms' South China revenue reached more than 100 million yuan last year. Jincheng Tongda & Neal made the list as a newcomer.

We have added a new category for the list: Rising Lawyers, which recognizes 15 young lawyers through a multi-dimensional evaluation. Seven are practicing in the local firms, with the

rest from the firms based in Beijing and Shanghai.

Some of the listed lawyers and law firms shared with ALB their market observations and practice experience.

REGULATORY UPDATES

The past year has witnessed significant regulatory developments in South China. For example, the Central Committee of the Communist Party of China and the State Council promulgated the Plan for Comprehensively Deepening the Reform and Opening-up of Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone in September 2021. According to Tong Xin, chief partner at Guanghe Law Firm, the plan specifies that the zone shall further open up in legal market, deepen the reform of the partnership and joint venture among local, Hong Kong and Macao law firms, support and encourage overseas law firms to set up offices in the zone, and explore the convergence of different legal systems and cross-border legal rules. The plan indicates the central government's support to further support cooperation and joint ventures between mainland China and Hong Kong and Macao law firms and deepen the reform.

In addition, Xu Bangwei, managing partner of Jingtian & Gongcheng's Guangzhou branch mentions the release of the Notice by the General Office of the State Council on Issuing the Measures for the Pilot Program of Allowing Hong Kong Legal Practitioners and Macao Practicing Lawyers to Obtain Mainland Practicing License and Practice in Nine Mainland Cities of the Guangdong-Hong Kong-Macao Greater Bay Area, which allows lawyers from Hong Kong and Macao to practice in Guangzhou. This gives them a stage to show their talents in Guangzhou's legal market, and also strengthens the foreign-related legal services there.

But it also brings local lawyers competition pressure. Tong says: "Some lawyers from Hong Kong and Macao have language and professional advantages, making the competition in foreign-related practice more intense. However, the policy also brings opportunities for mainland lawyers. The inter-

LOCAL LAW FIRM

华南地区本地律所

BAOXIN LAW FIRM

广东保信律师事务所

CHINA COMMERCIAL LAW FIRM

华商律师事务所

D&S LAW FIRM

广东南国德赛律师事务所

ETR LAW FIRM

广东广信君达律师事务所

FIDELITY LAW FIRM

福建信实律师事务所

GUANGDONG GUANGHE LAW FIRM

广东广和律师事务所

J&J LAW FIRM

广东经纶君厚律师事务所

KINGBRIDGE LAW FIRM

广东金桥百信律师事务所

KINGPOUND LAW FIRM

广州金鹏律师事务所

SHU JIN LAW FIRM

信达律师事务所

TENET & PARTNERS LAW FIRM

福建天衡联合律师事务所

TOPWE LAW FIRM

福建拓维律师事务所

WANG JING & CO. LAW FIRM

广东敬海律师事务所

WANG JING & GH LAW FIRM

广东广悦律师事务所

ZHUOXIN LAW FIRM

广东卓信律师事务所

action and integration of lawyers from different fields will, to a certain extent, help mainland lawyers grow rapidly and become more competitive in the arena."

According to Xu Pengfei, managing partner of Jingtian & Gongcheng's Shenzhen branch, the policies in South China over the past year mainly focus on constantly improving the business environment. These include the Interim Measures for Guangdong Province to Launch Pilot Qualified Domestic Limited Partnership (QDLP), the Regulations of the Shenzhen Special Economic Zone on Improving Business Environment, the Regulations of the Shenzhen Special Economic Zone on Individual Bankruptcy, the Regulations of the Shenzhen Special Economic Zone on Urban Renewal, and the Data Regulations of the Shenzhen Special Economic Zone. "Some of these policies have created new legal service segments, while some attract more talents and enterprises to the region by improving the ecosystem, which substantially increases client resources for the legal service market in the long run," Xu Pengfei says.

From the perspective of practice areas, Xiao Huanghe, director of Shenzhen Office Management Committee at DeHeng Law Offices, shares that when talking about criminal compliance and compliance non-prosecution system, Shenzhen has been a pilot city in South China. In April, the Measures for Compliance Management of Central Enterprises (Draft for Comments) was released by the State-Owned Assets Supervision and Administration Commission of the State Council, indicating that state-owned enterprises are subject to new requirements and conditions in compliance management.

"These rules and regulations have brought significant opportunities for lawyers engaged in criminal compliance, data compliance, and central enterprise compliance. Industry peers are also rushing to relevant research and practice," Xiao says.

On matrimonial and family law, Xiao notes that the Supreme People's Court and the Government of the Hong Kong Special Administrative Region

signed the Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the Hong Kong Special Administrative Region in 2017. As the Legislative Council of the HKSAR passed the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance in May 2021, the arrangement was announced effective on Feb. 15. This means that mainland cities, especially Shenzhen where there are a large number of marriages with Hong Kong spouses, will see many opportunities in Hong Kong-spouse matrimonial and family matters.

Liu Wen, managing partner at Shenzhen branch of Commerce & Finance Law Offices, highlights several policies in finance and digital development. In September 2021, the Implementation Rules of the Pilot Program of the Cross-border Wealth Management Connect in the Guangdong-Hong Kong-Macao Greater Bay Area was issued in Guangdong, Hong Kong and Macao, which supports cross-border investment by individuals from the Greater Bay Area in qualified bank investment products. In August, the Regulations to Promote Digital Economy Industry in Shenzhen Special Economic Zone (Draft) was submitted for deliberation to the third meeting of the Standing Committee of the Seventh Shenzhen Municipal People's Congress. The draft will focus on the whole life cycle and the whole-chain services of the digital economy industry. In data trading, it encourages the construction of data trading venues and exploration of innovative trading models like cross-border data flows and data capitalization.

PRACTICE OPPORTUNITIES

According to Xu Pengfei at Jingtian & Gongcheng, the legal service market in South China has expanded beyond traditional services such as dispute resolution and daily corporate legal affairs to encompass new services like investment and financing, M&A, cross-border asset management, and bankruptcy. He believes that legal services involved in dispute resolution and daily corporate

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legal affairs have long been the basic arena for most law firms. But the Red Circle firms and boutique firms focus on the capital market, private placement, and M&A in the long run. Besides, cross-border asset management and bankruptcy will bring about many new opportunities.

According to Wang Qi, partner and management committee director of Guangdong Baoxin Law Firm, the legal market in South China is characterized by both "integration and competition." In response to "one country, two systems, and three jurisdictions" in the Greater Bay Area, comprehensive cooperation has been an inevitable choice to provide clients with one-stop legal services. But as a result, competition is increasing in markets in lower-tier cities as the law firms in the region start to set up offices there.

"The (South China) legal market is becoming more 'digitalized' and 'polarized.' The digital economy advocated in Guangdong and other South China cities has not only opened up new areas of legal services, but revolutionized their development. Office management, brand operation, business development, and case handling will be further digitized. Accordingly, a significant split is seen in business activities. The services that can be easily replaced are available at a lower price, while specific, customized and hard-to-replace legal services and counter-cyclical services will enjoy a higher market share and price," Wang says. In light of this, she adds that international legal services involving investment and financing, corporate compliance, bankruptcy restructuring, and the resolution of complex and sensitive disputes are hot areas, while data compliance, biogenic compliance, and government-enterprise negotiations over environmental governance are interesting emerging business.

Xiao also notices the rising competition. He also adds that the division of expertise is becoming more refined. He says: "Shenzhen Lawyers' Association and some advanced law firms that respond quickly have developed different business categories based on industries, fields, sectors as well as popular and

difficult issues of public concern, and set up specialized committees to explore and seize new business opportunities.”

In this context, Xiao believes that opportunities in areas like compliance, new economy, finance, and capital market are emerging and worth noticing. For example, the procuratorial authorities in Shenzhen accepted some fifty cases regarding criminal compliance last year, and law firms are jostling to become a recognized third-party organization for compliance evaluation and monitoring of enterprises involved in cases and provide services for those enterprises. Therefore, this is a type of compliance business of particular interest. DeHeng has also established a specialized compliance committee to get involved actively.

As for the new economy, Xiao shares that the development of the Internet platform economy has brought some changes, creating demands for legal services in data compliance, cross-border e-commerce, and metaverse. In terms of the financial and capital markets, he says that tighter regulation has catalyzed new business hotspots, including the information disclosure liabilities of listed companies and their controlling shareholders, directors, supervisors, and managers, and the resulting litigation and arbitration involving company listing, major asset restructuring and bond issuance.

TALENT STRATEGIES

According to Liu, inter-disciplinary legal talents, especially those with a good command of English and Cantonese, will have a competitive edge in the international business, while those with in-depth understanding of real estate, finance, technology, intellectual property, and digital compliance can better meet market demand in the local market.

Commerce & Finance adopts a strategy of recruiting both experienced lawyers and young talents. Liu explains: “as for mature lawyers and teams, we target young and middle-aged lawyers who are engaged in areas highly complementary to and different from our current practice to build a better legal service system. To attract young talents, we externally strengthen brand building

RISING LAWYERS

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广东广和律师事务所

HUANG YOUCHUAN 黄友川

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LIN JIA 林嘉

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FUJIAN JIAN DA LAW FIRM 福建建达律师事务所

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JIA YUAN LAW OFFICES 嘉源律师事务所

SHI ZHIHENG 石之恒

SHU JIN LAW FIRM 信达律师事务所

WANG JIANLIN 王建霖

JINGTIAN & GONGCHENG 竞天公诚律师事务所

WEI WEI 魏伟

JUNHE LLP 君合律师事务所

WU BO 吴波

CHINA COMMERCIAL LAW FIRM 华商律师事务所

XUE BING 薛冰

HAN KUN LAW OFFICES 汉坤律师事务所

JEFF YANG 杨杰

WANG JING & CH LAW FIRM
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YE JIACHANG 叶佳昌

FIDELITY LAW FIRM 福建信实律师事务所

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ZHOU LISI 周力思

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and operation while enhancing university-enterprise cooperation. We have established ‘C&F Scholarship’ in the law schools of many universities. Internally, we focus on the cultivation mechanism and personnel management of young lawyers by carrying out various training activities from time to time, introducing advanced OA systems and the database of regulations and cases to optimize their work, and improving the internal promotion system from Assistant to Lawyer and to Partner.”

According to Tong, internationally minded innovative talents who can conduct in-depth research and international business are highly favoured in South China. Guanghe follows a talent strategy of internal training and external recruitment to cultivate professionals in key business areas. In addition, Guanghe categorizes its lawyers based on their years of practice and business development skills, and helps them grow through targeted approaches.

“For graduates new to the profession, Guanghe aims to train them into junior lawyers who have crucial qualities and skills and good professional habits. For young lawyers who have been practicing for one to three years, senior lawyers will lead them by assigning some cases to them so that they can accumulate case resources and learn practice skills. For professional lawyers who have been practicing for three to eight years with enhanced capabilities, Guanghe has set up a working committee for them to improve their professional skills and expand their client base. For senior lawyers who have experienced the first three stages and are eligible for equity partners, Guanghe has identified training directions and goals in business, management, market, and research. In specific, it means to get proficient in case handling, learn about and get involved in firm or team management, be good at business development, and become a researcher who can build personal and business brands by putting theories and practical experience on paper,” Tong says.

RISING LAWYERS

Wang Jianlin, a partner at Jingtian &

Gongcheng, has expertise in customs matters, including customs compliance, tax dispute resolution and criminal defense. He shares that South China boasts dynamic export-oriented activities and a large number of export-oriented enterprises. Due to its proximity to Hong Kong, Macao and the Sino-Vietnamese border, smuggling cases by sea and border are at a high incidence. In recent years, the rise of new economic models such as cross-border e-commerce has brought about some new hotspots in customs legal practice.

"Whether as an officer at customs or a practicing lawyer, I have experienced many legal affairs involving customs supervision and anti-smuggling, and accumulated rich practical knowledge," Wang Jianlin says.

Xue Bing, a partner at Han Kun Law Offices, focuses on transaction projects for private equity, venture capital, mergers and acquisitions, and capital markets, among others. Xue and his team have long represented different types of investment funds, multinationals, state-owned enterprises and institutions, start-up and growth companies, listed companies, and scientific institutions in handling various legal affairs. Their expertise covers a wide range of industries, such as high technology, electronic technology, life medicine and biotechnology, telecommunications, Internet, energy, education, and wealth management.

Looking back on his more than ten years of career, Xue says: "I have always been based in Shenzhen. Here, my colleagues and I work together to help different types of clients expand into the diverse markets in South China and the Greater Bay Area. I've also been growing with the diverse clients and the booming legal service market in the entire South China region, having witnessed how our clients have developed and grown through these years."

Chen Jian, a senior partner at DeHeng Law Offices' Zhuhai office, has been in practice for 15 years. After graduation from the UK, Chen dedicated himself to providing legal services for foreign-invested enterprises. Later, he shifted his focus to serving financial

METHODOLOGY

This ranking was open to law firms headquartered in South China (covering the provinces of Guangdong, Guangxi, Fujian, Hainan); law firms which headquartered in other provinces with branches/offices in South China; and the international law firms with offices in South China. Research was based on law firm's basic information, professional strength, business structure, customer relationship and development path.

- Firm information: number of personnel, market scale, business volume, etc;
- Professional strength: significant achievements over the years, major transactions / litigation completed in the past 12 months;
- Practice Area: practice areas layout, new practice areas in the past 12 months;
- Client relationship: key clients, new clients in the past 12 months;
- Development path: market positioning and development strategy.

The list of Rising Lawyers will be chosen on the basis of a combination of the following:

- significant achievements;
- important deals or cases;
- significant work in the last 12 months;
- clients the candidate has acted for;
- significant accolades the candidate has received for work in the form of public recognition;
- client comments and colleague comments.

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- 基本情况: 人员数量、市场规模、业务体量等;
- 专业实力: 历年的重要成就、过去12个月完成的重大交易/诉讼;
- 业务布局: 业务领域布局、过去12个月新增的业务领域;
- 客户关系: 代表性客户、过去12个月新增的客户;
- 发展路径: 市场定位和发展策略。

华南地区律师新星排名将基于以下方面进行评定。

- 主要成就
- 代理过的重大交易或案件
- 过去12个月的主要工作内容
- 候选人的主要客户
- 候选人所获得的奖项
- 客户评价和同事评价

securities and private equity funds and providing international legal services in investment and financing fields.

"Providing legal services for companies has always been part of my practice," Chen says.

Speaking of why he selected to practice law in Zhuhai, Chen says that he did so to meet his affection for his hometown, and also to better meet the needs of the local market. "In the early days of my career, foreign investment was very active in South China, especially in the Pearl River Delta region of Guangdong. A large number of foreign companies invested here, which resulted in a lot of legal needs that should be dealt with by international lawyers," he says, "With my advantage in language, it was natural for me to start practicing law in the foreign investment field. At the beginning, my practice area mainly covered foreign investment approval and capital flow. After the climax of foreign investment faded away and the regulation became more relaxed, my focus changed to legal advisory affairs. Later, with the development of China's economy, foreign-invested companies experienced a decline in their operations in Pearl River Delta, so their needs for legal services also dropped off. At this time, China's financial market was in a boom, and I had been quite interested in securities financing, so I began to study and work on legal services for securities financing. As I grew more experienced, I formed a dedicated team, which is now focused on cross-border investment and financing."

Chen Xiuying, a partner at Guanghe Law Firm, is an expert in capital markets. When asked about how her career path is connected with the development of Shenzhen, she says: "I think that the economic growth of South China has made me who I am today. In other words, I have seized the opportunities opened up by the economic growth in this region and have managed to accomplish something with my hard work."

"In 2012, I was involved in the major asset restructuring and holistic listing project of Yantian Port Holdings Co., Ltd. My experience from working for this project had paved the way for me



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to handle non-litigation cases in later days. From 2014 to 2016 when the NEEQ was in its full swing, I started to form my team and helped several companies get listed successfully on the NEEQ. In 2014, after the Assessment Management Association of China issued the 'Measures for the Registration of Private Investment Fund Managers and Filing of Funds (Trial Implementation),' my team threw ourselves into helping dozens of clients with their fund manager and private equity product filing. This had laid a foundation for us to provide legal services for some high-quality clients in their important investment projects. In 2017, after the release of the "Notice on Piloting the Issuance of Local Government Special Bonds That Satisfy the Balance Between Project Income and Financing" (Cai Yu [2017] No. 89), my team worked with Shenzhen Finance Bureau and other well-known intermediaries to examine details about the issuance of the newly introduced local government special bonds. In addition, we were proud to devise the first legal opinion on the local government special bonds in the country. I was also lucky to be involved in the 20 billion-yuan Shenzhen Outer Ring Expressway project invested by Shenzhen SEZ Construction and Development Group, projects jointly invested and constructed by Shenzhen Yantian Port Group and Hutchison Port Holdings Trust, and more. I attribute my past achievements to both my efforts and wisdom and the rapid development of South China, especially Shenzhen," Chen Xiuying says.

Liu Shanli, a partner at Fujian Jian Da Law Firm, specializes in handling civil and commercial litigation, arbitration and non-litigation cases. His expertise covers such industries as real estate, construction, energy, and mobile communications. His featured clients include large real estate and construction enterprises such as China Jinmao, Longfor Group, Shoukai Real Estate, Ronshine Group, and Jianzhong Technology. He tells ALB that, "I've been practicing law for over ten years, and these years have seen the fastest growth in the legal service market in South China and even all across the country.

Over the past decade, enterprises have become increasingly conscious of legal risk prevention, the legal service market in South China has boomed, and the number of lawyers has increased rapidly. I have been lucky to enjoy the prime time of the legal industry. This also requires me to improve my practice skills, diversify our legal products, and build a stronger lawyer team, so as to serve our clients better."

Zhou Lisi, a partner at P.C. Woo & Zhonglun W.D. LLP, is an expert in international legal practice. He also focuses on intellectual property, bankruptcy and reorganization, finance, and securities. Zhou tells ALB that his personal development has always been closely associated with the development of South China since he started practicing law in Shenzhen nearly ten years ago.

"It is the regional integration in South China and the introduction of the Greater Bay Area concept that have allowed me to serve numerous international and Hong Kong and Macao companies and to play my part in helping Chinese companies go global in the past decade. Without the development of South China, I would not have served so many corporate clients in this region; without the development of the Greater Bay Area, I would not have been involved further in the wave of cross-border legal services," Zhou says.

MORE DIVERSE NEEDS OF CLIENTS

Over the past year, Liu Shanli has realized that clients in South China have developed a more rational and clear understanding of the role and positioning of lawyers, and they care more about the teamwork and specialization of lawyers.

"In view of this, clients have also raised the bar for lawyers' specialization and soft power. For instance, they want lawyers to both have legal expertise and be familiar with the client's industry. They wish to get constructive advice not only from the legal perspective, but also the market and even technology perspectives," Liu says.

Chen Jian echoes this opinion. Taking financing products as an example, he says: "Clients hope that lawyers can

provide more business-oriented advice based on their past experience. Some clients hope that lawyers can introduce some new financing products that suit the specific needs of the business. The clients would prefer it if the lawyers can bring them resources such as financiers and investors. These are some of the relatively new requirements clients want lawyers to meet for specialization and soft power. Clients in South China attach more importance to the added value lawyers can bring besides legal services."

As Xue adds, "South China is home to a large number of tech enterprises. Clients here not only need conventional legal and technical support for investment and financing, they also have more sophisticated and cross-domain needs for intellectual property, compliance, taxation, wealth management, etc. Besides, the management team of these enterprises can be very demanding when it comes to the efficiency in responding to and solving problems. This requires that lawyers collaborate efficiently when providing services."

"With the development of the Greater Bay Area, the South China region requires lawyers to have a wider international perspective, an international education and work background, and more diverse language skills. Only by meeting these requirements can lawyers cater to the complex and diverse market and client base that span one country, two systems, three jurisdictions, and four languages," Zhou says.

LOOKING TO THE FUTURE

Speaking of the future, Xu Pengfei of Jingtian Shenzhen says that the firm will capitalize on its advantages as a Red Circle firm and put in more human resources that are tailored to the legal service market of South China, so as to seek greater and more diversified growth in this region. Xu Bangwei of Jingtian Guangzhou shares with ALB: "With access to the unique resources of Guangzhou, we can connect and interact with our Hong Kong and Shenzhen branches to pool together the resources in the Pearl River Delta and Guangdong, Hong Kong and Macao. Our deepened

cooperation across the region makes us better able to provide quality legal services for clients in many fields, such as capital markets, international dispute resolution, maritime affairs, investment and M&A, bankruptcy and reorganization, customs affairs, fund investment, family affairs and private wealth management, data compliance, and real estate and construction projects.”

Wang Jianlin says: “I hope our team can always follow the path of ‘specialization’ and become a top performer in the field of customs compliance. Only in this way can we meet the increasingly sophisticated and comprehensive legal needs of the market.”

Xue from Han Kun tells ALB: “Han Kun is a company-type law firm that can mobilize all the resources of the firm to provide legal services for clients. We have been working to build a high-quality team of lawyers because we believe that a team of top talent provides a solid foundation for us to help our clients grow

and succeed. We at the Shenzhen office, along with our colleagues in other Han Kun offices, will use our expertise in different areas to provide more specialized and comprehensive legal services for clients in South China.”

Commerce & Finance’s Liu Wen talks about future expectations: “We hope to build our law firm into an all-encompassing and top-class legal services provider. We will concentrate on local enterprises and investment and financing platforms and gain a strong foothold in this market, so that we can play a part in the Greater Bay Area’s historic journey of continued growth.”

“DeHeng will continue to secure our leading position as a leading law firm in South China and contribute as fully as possible to the economic and institutional integration of the Greater Bay Area. We will strive to achieve greater results in each of our practice areas. Moreover, we will use our legal expertise to get involved in politics, supporting the

country and Shenzhen city in improving the legal system and contributing to the long-term peace and security and century-long rejuvenation of the country. Having “Professionalism, Ethics and Integrity” as our motto, we will play our role as people’s lawyers, who are fully engaged in promoting economic growth and public welfare and improving the wealth and well-being of people,” Xiao of DeHeng says.

“We hope to gain further growth from our securities financing business. We will build a more cohesive team of members who are better able to learn and to stay focused, making the team specialized enough to adapt to changing market needs,” Chen Jian shares with ALB.

Guanghe will continue to expand its presence in South China by establishing new branches. The firm will take a ‘platform-, team- and company-based’ approach to branch management, so as to facilitate the ‘integration’ of the

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head office and branches. As stated by Tong, "Scaling up is what we are trying to do in the next few years. Guanghe will establish new branches with steady steps and high standards. We are considering setting up new branches in Nanjing, Xi'an, Shenyang, Chongqing, and Zhengzhou. We are also striving to expand the presence of our branches in all the interior cities of the Greater Bay Area. At the international level, Guanghe will build more branches in Western countries, which hopefully will play a significant role in driving further growth from our Belt and Road related business."

Chen Xiuying has three plans for the future: "First, I will have my team work harder on capital market related services and lead my team in our continued efforts in innovation, so we can hopefully play a part in more important transactions or projects. Second, I will continue my efforts on firm management. Third, I will perform my duties related to the Securities Commission of the Lawyers' Association to empower industries."

"In my future work, I hope to develop myself and my team to be more skilled and specialized, and build a team of lawyers that can provide professional, high-quality and efficient services for clients. Our team aims to use our creativity and wisdom to deliver premium products and thoughtful services that benefit our clients, and work hand in hand with them to build a bright future. We will continue to work actively to build ourselves into a specialized team of lawyers that can compete globally and grow and succeed together with our clients and partners," Liu Shanli from Jian Da says.

Wang Qi from Baoxin tells ALB that they are planning to set up an office in Ma'an Island, the gateway to the Shenzhen-Zhongshan Bridge, and to establish the first associate firm in Zhongshan. "We hope that we can secure a larger share of the high-end segments of the region's market. We will work further to identify and meet the needs of local going-global enterprises and foreign-invested enterprises for M&A, corporate compliance and IP services."

"I will continue to base my practice in South China and the Greater Bay Area, serve my clients better and improve my competence and expertise. In addition, we will align our operations with the Greater Bay Area initiative and the "go global" strategy of Chinese enterprises, leveraging the international platform formed by Zhonglun W.D. and P.C. Woo to provide cross-border legal services for clients all over the world," Zhou says. 

今年入选排名的华南本地律所大多成立于20世纪90年代,团队规模各异,从30多人到千人大所不等,业务范围广泛,超过半数在去年创收达亿级。广东保信律师事务所、广东南国德赛律师事务所、广东经纶君厚律师事务所是今年入选该排名的“新面孔”。

排名中的15家非本地律所总部大多位于北京,有11家在2000年后开始“南下”布子。深圳、广州是炙手可热的“兵家必争之地”,此外,非本地所亦青睐厦门、福州、珠海、三亚等城市。多数律所的华南机构去年创收总额达亿级。金诚同达律师事务所今年新晋入选该排名。

今年ALB还增设了华南“律师新星”单元,通过多个维度的考察评选出了15位青年律师。部分入选律所和律师向ALB分享了他们对于华南法律服务市场的观察和执业感悟。从他们的讲述中,我们看到了一个日新月异、与时俱进的华南市场。

政策动态

过去一年,华南迎来了一系列重要的政策动态。以2021年9月印发的《全面深化前海深港现代服务业合作区改革开放方案》为例,广东广和律师事务所首席合伙人童新律师告诉ALB,该方案提出:前海合作区要提升法律事务对外开放水平,深化前海合作区内地与港澳律师事务所合伙联营机制改革,支持鼓励外国和港澳律师事务所在前海合作区设立代表机构,探索不同法系、跨境法律规则衔接,释放了中央进一步支持和完善内地与港澳合作共建联营律所,深化改革的信号。

此外,竞天公诚律师事务所广州分所主任徐邦炜律师表示,在《国务院办公厅关于印发香港法律执业者和澳

门执业律师在粤港澳大湾区内地九市取得内地执业资质和从事律师职业试点办法的通知》施行后,港澳律师可以在广州执业,一方面给了他们在广州法律服务市场施展才能的平台,另一方面也势必进一步提升广州涉外法律服务的专业水准。

但这也为内地律师带来了竞争压力。童新律师说:“一些港澳地区的律师在语言上、技术上具有一定优势,涉外业务的竞争将更加激烈。当然,这个政策也给内地律师带来机遇。不同法域的律师交流和融合,将在一定程度上加速内地律师的成长,提高中国律师在国际上的竞争力。”

竞天公诚深圳分所主任徐鹏飞认为,华南地区过去一年的政策以持续优化营商环境为主要特点。去年先后出台或施行了《广东省开展合格境内有限合伙人境外投资试点工作暂行办法》《深圳经济特区优化营商环境条例》《深圳经济特区个人破产条例》《深圳经济特区城市更新条例》《深圳经济特区数据条例》等新的法规、规章,“这些政策有的直接催生了新的法律服务细分市场,有些则通过完善生态系统吸引更多人才、企业在华南地区发展,长远来看,大幅度增加了法律服务市场的客户资源。”

从执业领域的角度,德恒律师事务所深圳办公室管委会主任肖黄鹤律师分享道,在刑事合规和合规不起诉领域,深圳是华南地区的试点城市,今年4月,国务院国资委发布《中央企业合规管理办法》(征求意见稿),同样意味着央企合规管理将出现新的要求和局面。

“这类法律规范的出台,给律师从事刑事合规、数据合规和央企合规等管理服务带来不少业务机会的期待,业界同行掀起一股从事合规业务研究和实践的热潮。”肖黄鹤律师说。

婚姻家庭法方面,肖黄鹤律师告诉ALB,最高人民法院与香港特别行政区政府律政司曾于2017年签署《关于内地与香港特别行政区法院相互认可和执行婚姻家庭民事案件判决的安排》,这项安排随着香港特区立法会去年5月通过《内地婚姻家庭案件判决(相互承认及强制执行)条例》,于2022年2月15日已宣布正式实施。这标志着内地,尤其是存在大量涉港婚姻的深圳将迎来不少有关涉港婚姻家庭领域领域的业务机会。

通商律师事务所深圳分所管理合伙人刘问律师观察到金融及数字化发

展领域的多项政策动态:2021年9月,粤港澳三地同时发布《粤港澳大湾区“跨境理财通”业务试点实施细则》,支持大湾区内地及港澳居民个人跨境投资对方银行销售的合格投资产品;8月,《深圳经济特区数字经济产业促进条例(草案)》被提请深圳市七届人大常委会第三次会议审议,该草案将聚焦数字经济产业发展的全生命周期和全链条服务,其中在数据交易方面,规定积极推动设立数据交易场所,探索开展数据跨境流通交易、数据资产化等创新性交易模式。

业务机遇

竞天公诚徐鹏飞律师观察到,华南法律服务市场呈现出由争议解决法律服务、企业日常经营法律服务等传统业务为主,加速向传统业务与投融资、并购、跨境资产管理、破产等相对新型的业务并行发展变化的态势。他认为,争议解决和企业日常经营涉及的法律服务是律所普遍性的基本盘业务,资本市场和私募、并购业务是对红圈所、一些精品所而言具有持久热

度的业务;另一方面,跨境资产管理、破产业务等方面的新机会值得关注。

广东保信律师事务所合伙人、管委会主任王旗律师认为,华南法律服务市场呈现出“融合与竞争”的特点。她表示,大湾区内一国两制三法域,为给客户一站式的服务,各种方式的合作成为必然的选择。但与此同时,竞争也会进一步下沉,分所开始向区域内的三线甚至四、五线城市扩张。

“我们认为,(华南)法律服务市场的趋势会是‘数字化’和‘两极分化’。以广东为代表的华南政府极力推进的数字化经济不仅为法律服务开拓了新领域,法律服务自身的发展亦难逆数字化浪潮。律所管理、品牌运营、业务拓展、案件办理都将进一步数字化。而相应地,业务会两极分化。可以被轻易替代的服务价格将会更加下降,精细化、定制化和不可替代性的法律服务以及逆周期服务的市场份额和价格会上涨。”王旗律师说,并指出,在此背景下,涉外投融资、企业合规、破产重整及疑难重大的争议解决当属热门业务领域,而数据合规和生物基

因合规,环境治理政企谈判则是值得关注的新兴业务。

德恒肖黄鹤律师也观察到竞争加剧的趋势。此外,他还补充道,专业分工正在越来越精细化。他说:“部分反应敏锐的先进律所和本届深圳律协都已经根据行业、门类、部门以及社会热点和难点开发出不同分类的律师业务门类,成立了更多的专业委员会,面向新业务机会开始研究、布局和实践。”

在此背景下,肖黄鹤律师认为,合规、新经济、金融和资本市场相关业务将尤其值得关注。以合规为例,他告诉ALB,深圳市检察机关去年受理了大概五十多宗刑事合规的案例,各路律所纷纷竞争成为检察机关认可的涉案企业合规第三方评估监督组织,参与到为涉案企业提供服务的行列,成为当前特别值得关注的一类合规业务。德恒也已经成立合规专业委员会,组织力量积极参与此类新兴业务。

新经济方面,肖黄鹤律师说,随着互联网平台经济的发展,与之紧密相关的新经济领域也带来行业变化,相应产生了数据合规、跨境电商、元



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- ◆ 陈秀盈律师目前担任广东广和律师事务所的高级合伙人、证券委员会主任、执行委员会委员, **主要专注于债券发行、公司并购及投融资、私募基金、上市及新三板相关业务**,对债券发行、交易架构设计、交易风险规避、公司股改上市方面的业务具有丰富的经验。其作为主办律师在重大复杂项目中提供过法律服务的知名客户包括: 深圳市财政局、福田区财政局、宝安区财政局、盐田港集团、盐田港股份、深圳特区建设发展集团、广东深汕投资控股集团、中海石油气电集团、国泰航空、大铲湾港口投资公司、盐田港资本、富德生命人寿、华安保险、龙岗区金融控股、福田区投资控股、国信弘盛等, 其服务获得了客户高度评价。
- ◆ 凭借良好的社会声誉及丰富的实务经验, 陈秀盈律师兼任深圳市律师协会第十一届证券专业委员会副主任、最高检察院民事行政检察专家咨询网专家、英国曼彻斯特大学广东校友会会长, 曾荣膺广东省涉外律师新锐人才、深圳市涉外律师新锐人才、深圳市产业发展与创新人才奖、第十届深圳市律师协会证券基金期货法律专业委员会优秀委员、第十届深圳市律师协会专业委员会优秀委员、ALB十五佳华南地区律师新星等奖项。

宇宙等方面的法律服务需求。而对于金融和资本市场,他表示,随着监管趋严,由此产生的涉及上市公司及其控股股东、董监高信息披露责任,与公司上市、重大资产重组以及债券发行等相关的诉讼和仲裁都已经成为新业务热点。

人才策略

刘问律师认为,复合型法律人才,特别是具有英语、粤语能力的人才在涉外业务中会有一定的优势,而熟悉房地产、金融、科技、知识产权、数字合规等领域的人才在华南地区的法律市场中更能贴合市场需求。

通商的人才引进策略是成熟律师和青年人才并举。刘问律师说:“在成熟律师及团队方面,我们瞄准与目前的业务存在高度互补、差异关系的中青年律师,以构建更完善的法律服务体系。为了吸引青年人才,通商对外加强品牌建设运营,同时加强校企合作,在众多高校法学院设立‘通商奖学金’。对内,通商注重年轻律师的培养成长机制和人员管理,不定期开展各种培训活动,引入先进的智能办公系统、法规案例库优化律师工作,管理上通过明确的制度完善从助理到律师到合伙人的内部晋升体系。”

广和童新律师认为,具有深度研究和创新能力、国际视野和国际业务能力的人才在华南地区备受青睐。广和的人才策略是内部培养为主,横向招聘为辅,围绕重点业务领域培养专业人才。此外,广和还根据律所所处不同阶段、其市场拓展的业务能力处在不同层面的实际情况进行分类,用不同途径和方法使他们获得提高。

“对于刚入行的年轻人,广和着重培养他们成为初级律师所必备的素质与技能,养成良好的职业习惯,完成从法学生变为‘法律人’的转变;对于执业一到三年的青年律师,由资深律师带队,有针对性地交付部分案件给年轻律师承办,帮助他们直接获取案源的同时为其传授执业技能;对于执业三到八年、执业能力逐步提升的专业律师,广和设立青年律师工作委员会,提升他们的专业技能、拓宽客户群体。而对于那些经历了前三个阶段的成长,可以成为权益合伙人的资深律师,广和制定了四个维度的培养方向与目标:业务、管理、市场、研究。业务,就是要精于案件的办理;管理,就是要学会并参与律所或团队管理;市场,就是要善于进行业务拓展;研究,

就是要将理论学习与实践经验形成文字作品,成为建立个人与律所品牌的研究者。”童新律师分享道。

华南“律师新星”升起

竞天公诚合伙人王建霖律师是海关事务的专家,业务领域包括海关合规、纳税争议解决和刑事辩护。他告诉ALB,华南地区是我国外向型经济非常活跃的区域,外向型企业云集。由于华南地区毗邻港澳、中越边境,海上及边境走私案件呈高发态势。随着近年来跨境电商等新经济业态的涌现,海关法律事务更新增了不少实务热点。

“无论在海关工作期间还是转为执业律师,我都有大量的机会去处理涉及海关正面监管、打击走私等方面的法律事务,积累了丰富的实务经验。”王建霖律师说。

汉坤律师事务所合伙人薛冰律师业务领域集中在私募股权和风险投资、兼并收购和资本市场等交易类型的项目。他和团队长期代表不同类型的投资基金、跨国公司、国有企事业单位、初创及成长型公司、上市公司和科研机构处理各种法律事务,涉及高新技术、电子科技、生命医药及生物科技、电信、互联网、能源、教育和财富管理等行业。

回首十几年的职业历程,薛冰律师说:“我本人一直都扎根在深圳。在这里,我和我的同事们一同助力不同类型的客户在华南地区、大湾区进行多样化的市场拓展。我本人也是与整个华南地区的多元化的客户及快速发展的法律服务市场在一同成长,有幸见证了客户持续发展壮大的过程。”

德恒珠海办公室高级合伙人陈坚律师从业已有15年。从英国毕业后,他专注于外商投资企业法律服务,后来投身金融证券私募基金以及涉外的投融资法律服务。

“在这个过程中,公司的法律顾问服务是贯穿始终。”陈坚律师说。

对于选择在珠海执业,陈坚律师表示,这既是出于家乡情结,也是出于与当地市场需求的契合。他说:“回想从业之初,华南一带,特别是广东珠三角地区,外商投资异常活跃,大批的外商过来投资,从而衍生出很多的法律需求,涉外律师应运而生。因为具有语言优势,所以很自然就开始接触外商投资这块法律业务。起初这类业务主要围绕外资进入的审批和资金进出问题,而外资进入的高潮退却后,就是剩下基础的法律顾问事务。

再后来随着国内的经济的发展,外商投资企业的业务逐渐在珠三角萎缩,同时外资监管也更为宽松,相应的法律服务也开始减少。在此期间,国内金融市场蓬勃发展,因为我对证券金融有着浓厚的兴趣,所以开始学习研究证券金融相关的法律业务。经过慢慢地积累后,也开始发展我们现在这个以跨境金融投融资为主线的团队。”

广和律师事务所合伙人陈秀盈律师是资本市场专家。回顾职业历程,陈秀盈律师坦言:“我觉得是华南地区的经济发展成就了我,换句话说我抓住了华南地区经济发展的机遇,在时代的风口浪尖中下苦功夫并取得了一些小成绩。”

“2012年期间,我全程参与了盐田港股份重大资产重组暨整体上市项目,项目中积累的经验为我日后从事非诉业务打下了基础。2014年至2016年期间的新三板浪潮中,我开始组建团队,并成功处理了多个企业挂牌新三板项目。2014年中国基金业协会发布《私募投资基金管理人登记和基金备案办法(试行)》后,我的团队一口气为几十家私募基金公司完成了基金管理人以及私募基金产品备案业务,为我们最近几年为一些优质客户的重大私募股权基金投资项目提供法律服务奠定了基础。2017年开始,《关于试点发展项目收益与融资自求平衡的地方政府专项债券品种的通知》(财预【2017】89号文)发布后,我的团队与深圳市财政局以及其他知名的中介机构共同研究地方政府专项债券这一新的债券品种的发行细节,并有幸设计了全国第一份地方政府专项债的法律意见书。另外,我还有幸参与了深圳市特区建设发展集团有限公司200亿元投资深圳外环高速公路项目、深圳市盐田港集团有限公司与和记港口控股信托共同投资建设等重大项目。回顾过去取得的成绩,我觉得有个人的努力和悟性,也得益于华南地区尤其是深圳的高速发展。”陈秀盈律师说。

福建建达律师事务所合伙人刘善理律师主要专注于民商事诉讼、仲裁及非诉讼业务,涉及房地产、建设工程、能源、移动通信等行业,客户包括中国金茂、龙湖集团、首开地产、融信集团、建中科技等大型房地产、建设工程企业。他告诉ALB:“踏入律师行业的十余年来,可以说我遇到了华南地区甚至是整个中国法律服务市场发展最快的十年。过去十年,企业

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竞天公诚广州办公室合伙人 王建霖律师：我对法律的热爱 一直没有动摇



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王建霖律师是一位精于海关事务的资深专家。从中山大学毕业后，他曾在广州海关工作14年。在这个管辖区域覆盖了广东省三分之一面积的华南重要海关机构里，王律师先后在调查部门、稽查部门、口岸监管部门及法规部门工作，积累了丰富的海关事务实操经验。工作之余，王律师攻读了经济法硕士学位、通过了司法考试，并于2018年由海关公职律师转为执业律师。今年，王律师入选了“ALB China区域市场排名：华南地区律师新星”。回首自己的职业生涯，王律师告诉ALB：“我对法律的热爱一直没有动摇。”

ALB：在成为律师之前，您曾在海关工作14年。在此期间，您主要负责哪些工作？这对您之后的律师执业有何影响？

王建霖律师：在海关工作期间，我从事过调查、稽查、立法、案审、复议诉讼及贸易管制等核心业务，积累了较丰富的专业知识和实务经验，对海关执法理念也有较深入的理解。这奠定了我现在作为一名海关合规律师的专业基础。同时，我还在文秘岗位工作了一段时间，虽与法律没有直接关系，但该段经历培养出来的文字敏感度、严谨细致的工作态度，对我现在的工作有很大帮助。因此，我非常感恩老东家对我的培养。

ALB：您曾经表示，选择成为律师主要是基于学生时代六年法学生涯的承诺，以及对法律专业的热爱。在身份转变的过程中，您产生了怎样的感悟？您的经历帮助您树立了怎样的执业哲学？

王建霖律师：在中山大学学习的时候，我的理想是当一名律师。毕业后，机缘巧合，我进入公务员队伍。2018年，同样是基于家庭的特殊原因，我觉得是时候兑现当年对自己的承诺了。

其实，回顾毕业后的十几年职业生涯，我对法律的热爱一直没有动摇。工作之余，我抽空读了经济法硕士，考了司法考试。这些对我的工作并不是必须，只是纯粹觉得这是一个法律人应该做的事情。但也正是因为这些，使我后来有机会成为海关公职律师，再到现在成为执业律师。

成为执业律师后，我得以从另一个视角观察海关与相对人之间的关系。我发现，很多企业出现合规问题，主要是对海关法律不了解、守法合规意识不强。因此，近两年我有意识地将法律服务的节点从争议解决向日常合规前移。我更希望帮助客户未雨绸缪做好合规建设，而不是“爆雷”后的应急处置。这也是监管部门促进企业知法守法的有益延伸。此外，我发现不少当事人由于种种原因，未能得到有效的法律支持，而错失了从宽处理的机会。因此，我也加入了法律援助的队伍，希望为承载了千万家庭就业和生计的广大中小企业及其经营主尽绵薄之力。

ALB：在华南地区，海关业务存在哪些特点？从疫情爆发至今已逾两年，海关业务是否表现出一些值得注意的新业态？您在过去一两年里取得了哪些突出业绩？请分享一二。

王建霖律师：华南地区是我国外向型经济非常活跃的地区，单

在广东就设置了七个海关，这是全国各省中仅有的。后疫情时代，跨境电商业务持续高速增长，毗邻港澳、中越边境的绕关走私也较为严峻。此外，近期海关加大对逃避商检行为的稽查力度也值得关注。

近两年，我们为生命科学、整车制造、精密电子等行业的头部企业提供了服务。比如，我们曾代表一家高新技术头部企业处理新型海外研发模式涉及的巨额补税问题。我们与企业法务、财务、技术等部门通力合作，对交易模式、合作协议、商业单证、往来函电及进出口数据等海量信息进行了收集、整理和分析，向海关阐述该模式符合海关估价规定的法律观点，并获得海关认可。企业不仅免除了巨额税款风险，更为海外研发铺平了合规之路。

我们还代理了建国以来最大宗的穿山甲鳞片走私案、涉税过亿元的走私普通货物案、数量过万吨的走私禁止进口货物案、数量超5万吨的走私废物案以及一批具有代表性的跨境电商走私案。令我最为感触的是一宗跨境电商走私案。当事人毕业于名校，投身跨境电商创业热潮，自认为对海关政策足够理解，但却因为对法律的认识偏差，涉嫌走私犯罪而身陷囹圄。这位创业者也是一名父亲，相比于自身的自由，他更担心的是一旦被追究刑责，将会给他幼子的未来蒙上阴影。我们介入后，在反复研阅卷宗的基础上，为当事人设计了以不起诉为目标的辩护方案，坚持不懈地向办案机关反映法律观点。该案最终以相对不起诉结案。我们实现了代理这个案件的初衷，也帮助这名父亲消除了最大的担忧。

ALB：未来，结合华南地区法律行业的发展，您对自身有着怎样的规划和展望？

王建霖律师：“专业”是律师的立身之本，海关合规律师尤其如此。海关出台、调整监管规定的频率非常高，跟进海关最新政策和执法实践，是我们团队每名律师的日常必修课。同时，我还要求团队律师定期撰写文章，总结办案经验和学习心得。2021年，我们在《律商联讯》《威科先行》《新浪财经》等媒体发表了十余篇文章。这是我们服务客户的底气所在。

其次，我们将聚焦于海关合规领域。现在法律服务分工日益精细化，单就海关法而言，就涉及企业等级、口岸通关、知识产权、保税监管、贸易管制、后续稽查、行政处罚、刑事辩护等业务，2018年关检融合后还增加了检验检疫业务。只有专注，我们才能保持专业水准，有效地应对业务层出不穷的新问题、新挑战。这是我们服务客户的必然要求。

此外，我希望我们提供法律服务时，不止于“就法律讲法律”的纸上谈兵，要善于从复杂的交易表象、成千上万的商品编号和进出口数据中，归纳、提炼核心问题，辨别风险因素，帮助客户有效预防、妥善解决合规问题。这是我们服务客户的终极目标。

目前，我们身处百年未有之大变局；战争、疫情更是给律师行业带来了深远影响。作为海关合规律师，我想我们能做的就是保持初心，坚守专业，帮助客户在复杂时局中行稳致远，也为法治事业尽一份专业力量。

法律风险防范意识不断增强,华南地区法律服务市场迅猛发展,律师队伍也迅速扩大,我有幸赶上了律师行业发展的最好时机。这也要求我必须不断地提升执业技能,丰富我们的法律产品,加强律师团队建设,提升客户服务体验。”

中伦文德胡百全(前海)联营律师事务所合伙人周力思律师是涉外法律专家,同时也关注知识产权、破产重整、金融与证券等。周力思律师表示,在深圳执业近十年来,他的个人轨迹一直与华南地区的发展紧密相连。

“正是由于华南地区的一体化进程,以及粤港澳大湾区概念的提出,我得以在近十年的执业过程中服务了大量的国际企业、港澳企业,也为中国企业走出去贡献了自己的力量。可以说没有华南地区的发展,我不会接触到这么多的本区域的企业客户;如果没有粤港澳大湾区的发展,我也不会更深入地参与到跨境法律服务的大潮之中。”周力思律师说。

更复合的客户要求

过去一年,刘善理律师感受到,华南地区客户对于律师的作用和定位有了更加理性和清晰的认识,同时客户也更加注重律师团队化和专业化水平。

“有鉴于此,客户对律师专业和软实力也提出了更高的要求,例如,客户希望律师不仅懂得法律专业,更要熟悉、了解客户所在的行业,要求律师不仅从法律方面,更要从市场行情、甚至技术方面等提出建设性意见。”刘善理律师说。

陈坚律师也同意这样的看法。以融资产品为例,他说:“客户会希望律师能够根据过往经验,提供一些更偏向商业的建议,更有部分客户希望律师能够介绍一些市场上适合企业自身情况的新兴融资产品,如果能够为其带来融资方和投资者等资源,那就更好了。这些都是近期客户在专业上和软实力上对律师的要求。华南地区客户更看重律师除了法律服务本身的附加值。”

除此之外,薛冰律师还补充道,就华南地区数量众多的科技创新企业而言,客户不仅需要传统的投融资法律技术支持,还会产生知识产权、合规、税务、财富管理等更加精细和交叉的专业需求。同时,这类企业的管理团队对于问题解决方案的反馈效率有非常高的要求,律师需要在服务的过程中做到高效协同配合。

周力思律师也补充道,出于粤港澳大湾区建设,华南地区要求律师具有更高的国际化视野、海外学习和工作背景、更加多元的语言能力等,以应对湾区内“一个国家、两种制度、三个法域、四种语言”这一复杂而多元的市场和客户群体。

展望未来

对于未来,竞天公诚深圳分所主任徐鹏飞律师表示,将利用红圈所品牌优势,结合本地法律服务市场特点,加强本地人力资源布局,实现在华南地区业务的高水平和多元化发展。广州分所主任徐邦炜表示,竞天公诚依托广州得天独厚的资源优势,可以与香港分所、深圳分所协同联动,充分整合珠三角和粤港澳地区的资源,进行更深化合作,形成区域效应,在资本市场、涉外及国内争议解决、海事海商、投资并购、破产清算与重整、海关业务、基金投资、家事业务与私人财富管理、数据合规、房地产与建设工程等诸多领域为客户提供高质量的法律服务。

王建霖律师则表示:“我希望我们团队始终坚持‘专业为本’的理念,在海关合规领域做到极致。这样才能满足市场日益精细化、综合化的法律需求。”

汉坤薛冰律师向ALB坦言:“汉坤是一家公司制管理的律师事务所,能够调动全所的所有资源为客户提供法律服务。我们一直在持续打造高素质的律师团队,我们相信最优秀的人才团队是我们为客户发展保驾护航的坚实基础。深圳办公室的专业人员与汉坤其他办公室不同业务领域的同事们,将会为华南地区的客户提供更加专业和全面的法律服务。”

通商刘问律师表示,希望继续依托地缘优势把律师事务所打造为一家业务综合、质量上乘的法律服务供应商,立足于大湾区本地的企业、投融资平台,在竞争中站住脚,更充分地参与到大湾区新发展阶段这个重要的历史进程中。

德恒肖黄鹤律师表示,德恒将继续保持华南地区头部律所领先地位,全方位参与粤港澳大湾区经济与制度融合,努力在各专业服务领域取得更好业绩,并且,将发挥法律专业优势,全方位参政议政,服务国家和深圳特区法治建设,服务国家长治久安和百年复兴大计。同时,还会践行“德行天下,恒信自然”宗旨,发挥

人民律师的积极作用,全方位参与社会经济建设和公益慈善活动,助力民生福祉。

陈坚律师则希望能够更加深耕目前已经开展的证券金融业务,同时加强团队成员间的凝聚力、学习力和专注力,建立起一支能够适应市场快速变化的专业化团队,从而更好的服务社会、服务客户。

广和将继续推进分所覆盖计划,并且会以“平台化、团队化、公司化”的模式加强分所管理,让总所与分所逐步走向“一体化”。童新律师表示:“未来几年,规模化发展是广和需要继续努力的方向。广和会继续稳健、高标准地设立分所,比如考虑在南京、西安、沈阳、重庆、郑州新设分所,同时积极开展广和分所在大湾区内地城市全覆盖的布局。在国际化发展上,广和将提升在欧美设立分所的数量,以期在未来一带一路业务发展过程中,发挥更大的作用。”

陈秀盈律师对未来有着三方面的规划:首先,加大团队在资本市场业务方面的研究力度,带领团队继续创新,争取在更多重要项目中发挥作用。其次,继续做好律所管理工作。第三,做好律协证券委相关工作,为行业赋能。

建达刘善理律师说:“希望我能够在继续执业的过程中,不断强化自身及所带领团队的专业化,能够建设一个专业、优质、高效的律师团队。我们团队的执业目标和期许是:匠心铸造精品,智慧创造价值;精心服务客户,携手共创未来。希望我们能够通过持续奋斗,进一步发展成为一个与国际接轨、与客户共赢、与伙伴共享的专业化律师团队。”

保信王旗律师告诉ALB,他们筹划在深中通道桥头堡马鞍山设立办公室,并筹备中山区域内第一个联营事务所,“希望未来在区域市场的高端业务领域取得更大的市场占有率,同时深度发掘本土企业走出去和区域内的外商投资企业中的收并购、企业合规和知识产权业务。”

中伦文德周力思律师则表示:“未来我将继续以华南区域、大湾区作为执业基地,深耕区内的客户,持续在专业上精进。与此同时,配合国家粤港澳大湾区战略以及中国企业走出去战略,善用中伦文德律师事务所和香港胡百全律师事务所的国际化平台,为中外客户提供一站式的跨境法律服务。”

专访君泽君律师事务所合伙人 赵宇律师：商事争议解决专家， 兼具专业素养与学术匠心



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君泽君律师事务所深圳办公室合伙人赵宇律师的执业领域包括商事和金融争议解决、投融资、破产与重整。他尤其擅长金融纠纷、股权纠纷、对赌纠纷、投融资纠纷、商事合同纠纷、公司控制权纠纷、房地产与建设工程纠纷的解决。从业以来，赵律师处理过的案件和项目金额已达数百亿元，其中不少都颇具行业开创性。他的客户曾这样评价他：“具有优秀的诉讼策划能力、应变能力、诉讼思维和商业思维相结合的能力，以及非常突出优异的口才和庭审表现，能够准确分析和找到案件突破口并取得很好的案件代理结果；在非诉讼顾问服务中也能够深刻理解客户需求，提供优质高效、综合全面的服务解决方案。”

成为律师前的“启蒙”经历

成为执业律师之前，赵律师曾在深圳发展银行（现平安银行）总行合规部工作。他向ALB坦言，这一经历帮助他确定了未来的执业方向，并且在专业素养和工作理念等方面也为他带来了诸多裨益。

“一是使我对大型企业的日常运行方式有了一定的感性认识，有助于我更好地了解客户、理解甲方；二是奠定了执业的领域路径，金融尤其是银行金融成为我的重要执业领域之一；三是培养了我严谨的合规意识，在服务客户的过程中，始终将合规放在重要位置，‘合规创造价值’的理念也深入到我的执业中。”赵律师说。

对“法律服务专业化”的理解

成为律师后的赵宇在执业中不断摸索着对“法律服务专业化”的理解和实践。他认为这一理念包含着多重涵义。

一是职业化。赵律师表示，这里的“职业化”，首先是对法律规则、法律理论和法律逻辑的扎实掌握，是执业律师的首要门槛；其次就是律师们通常所说的职业习惯和职业形象，包括对客户需求的及时反馈、做事靠谱负责等。他坦言，虽然这是基本的执业要求，但要坚持十几年甚至几十年如一日并非易事。

二是行业化。赵律师认为，法律服务商业，而商业万千种类。不深入行业、不懂行，就无法理解客户的真正需求和痛点并提供真正能够帮助到客户的服务方案。

“我们团队服务着银行金融、保险、股权投资、高科技与半导体、贸易、医疗健康、房地产与建设工程等领域的客户，每服务一个领域的客户，我们的要求都是先从行业入手，使自己站在行内服务客户，而不能站在行外。”赵律师说。

三是产业化。“很多人一提到专业化，就认为应当将专业细分再细分，似乎越精小越专业，我认为这是个误区。”赵律师表示，这个问题应当辩证地看，律师的宗旨是服务客户，而客户的需求是多方面的，很多客户希望自己找的律师团队能够一站式地解决问题，而且律师在帮助客户解决问题的过程中也往往需要结合多方面、多领域的经验。因此，赵律师和他的团队从来不以诉讼和非诉来区分专业，而是以项目/案件所需要的产业链条来区分专业。以他们长期深耕的公司和投融资领域为例，赵律师团队目前已经形成了一个从初创企业扶持—投融资—公司治理与合规—争议解决再到企业清算与重整的整个产业链条，确保能够为客户提供一站式的服务，并在每个阶段和节点的法律服务上都始终保持上下游思维。

“例如我们在给客户有关投融资和公司争议解决方案的

时候，”赵律师说，“往往会多一个破产领域的思路，在我们经办的案件中，也确实有不少案例通过破产或者刑民交叉等思维，帮助客户找到了案件突破口或者化解了重大风险。”

四是标签化。赵律师表示，只要团队做好了前面三点，通过成功案例和业绩所自带的客户口碑和宣传效应，假以时日，团队标签也就树立起来了。

颇具开创性的业绩

多年前，赵律师和团队代理一家上市公司处理因“诱空型虚假陈述”引发的侵权赔偿系列诉讼。这起案件不同于资产市场常见的“诱多型虚假陈述”，在当时存在很大的法律空白，代理难度大。为此，赵律师及其他几位合伙人共同牵头组建代理团队，通过案件策略的制定、证据的充分收集以及大量的研究论证，历时三年，经深圳中院一审、广东高院二审，最终取得数十宗案件的完全胜诉。上述法院也通过判决实际确立了“诱空型虚假陈述”的实施日、揭露日、基准日以及因果关系的判断认定标准，成为中国资本市场的经典案例。

“律师工作很大程度上是创造，尤其是争议解决领域，如果能够成功代理具有开创性的典型案例，是挺值得骄傲的事情。”赵律师坦言。

疫情之后，不少企业陷入困境，而帮助这些企业则成为了不少律师工作的重点。赵律师和他的团队近几年也一直在帮助企业困境重生方面持续发力，在不同的项目和案件中担任债务人顾问、债权人顾问、重组顾问以及破产管理人等。他告诉ALB：“我们参与的一宗科技企业破产重整的案件，涉及债权人众多、社会关注度高、利益重大。经各方努力，最终高票表决通过了重整计划草案，在充分保障劳动债权、税款债权等优先债权的基础上，使得普通债权清偿率大幅提高，获得良好的社会效果，也帮助企业获得重生。”

学术上的一颗匠心

除了执业，赵律师对学术研究也有长期的深耕。他直言：“学术既是我的兴趣，也是专业化发展的需要。”目前，赵律师担任中国政法大学中国民商事争议解决研究中心研究员，也参与了不少项目课题的研究。他认为，及时总结案件代理中的前沿法律问题并进行学术思考，也是律师产品输出的重要部分。

从业以来，赵律师发表了数十篇专业文章，包括被收录进公司法教材推荐阅读文献的《我国PE对赌协议的类型化分析及其诉讼案例启示》一文，以及近期发表的《从金融机构视角看知识产权质押融资的“风高浪急”》，该文获得了《深圳律师》的优秀表彰。目前，赵律师仍在笔耕不辍，有两部专著正在撰写中，后续将陆续出版。

展望未来

对于未来发展，赵律师说：“华南地区尤其是大湾区是充满活力和创新的区域，也是律师很好的展业舞台。体量庞大而又面临转型的民营企业、高科技云集的产业基础、粤港互动的地域优势等，都给本地区的法律服务市场带来大量机遇。我们团队始终立足深圳、扎根湾区、放眼华南，未来在进一步夯实专业化的基础上，也将根据市场变化积极开拓创新，更好的服务客户。”

ONWARDS AND UPWARDS

中国仲裁, 革新不断

Over the past year, Chinese arbitration institutions have continued their journey towards becoming world-class through the twin strategies of specialisation and internationalisation. The heads of leading arbitration centers say that while they are proud of their reform and innovation so far, they still aim for even more user-friendliness and sophistication.

过去一年, 中国仲裁继续向专业化、国际化的方向发展。我们与领先仲裁机构的负责人聊了聊机构的改革创新、国际化之路, 《仲裁法》意见稿将带来的影响以及下一步发展策略。

BY HU YANGXIAOXIAO 作者: 胡阳潇潇

■ In 2021, Chinese arbitration institutions handled over 415,000 cases, involving a total amount of over 850 billion yuan (\$126 billion) and achieving a record high. That year, the total number of arbitration institutions in China also exceeded 270, and China has become one of leading countries to use arbitration to resolve civil and commercial disputes.

Talking about the changes in the cases handled by arbitration institutions in the past year, heads of the interviewed institutions mentioned the increase of case volume and the amount of the subject matter, new case types, and the improved internationalisation of the cases.

For example, the China International Economic and Trade Arbitration Commission (CIETAC) accepted 4,071 cases in 2021, seeing a year-on-year increase of 12.61 percent. The disputed amount has exceeded 100 billion yuan for four consecutive years, of which the average amount of foreign-related cases was as high as 90 million yuan. There were 182 cases involving a disputed amount of more than 100 million yuan.

In 2021, Shenzhen Court of International Arbitration (SCIA) handled

7,036 arbitration cases, with the disputed amount topped 85.6 billion yuan, a year-on-year increase of 38.93 percent. Meanwhile, the Shanghai International Arbitration Centre (SHIAC) case volume, the amount in dispute and the average amount in dispute also reached new highs, with the average amount in dispute exceeding 23 million yuan.

In last year, the cases accepted by CIETAC features diversified case types and the notable growth of cases in emerging fields. Wang Chengjie, Vice Chairman and Secretary General of CIETAC, points out that last year CIETAC accepted a total of 21 types of disputes, with "financial innovation cases increased by more than 50 percent, construction engineering cases increased by 36 percent, franchising, cultural and entertainment industries and other types of disputes were more than doubled. Disputes over intellectual property, energy resources, sino-foreign joint ventures, housing, land and real estate, and entrustment contracts also increased".

Liu Xiaochun, president of SCIA, says that in 2021, the main types of cases were financial cases, international and domestic trade cases, as well as real

estate, infrastructure and construction engineering cases. Among them, securities cases accounted for 19 percent, and the amount in dispute exceeded 40 billion yuan.

The increased degree of internationalization is another feature of arbitration cases. In 2021, CIETAC accepted 636 foreign-related cases last year, 61 of which were disputes between foreign parties. The foreign-related cases involved a total of 93 countries and regions. Among them, there were 136 Belt and Road-related cases, covering 36 "Belt and Road" countries and regions. SCIA handled a total of 345 foreign-related cases involving 25 countries and regions. As of the end of 2021, its arbitration and mediation services have covered 136 countries and regions. At SHIAC, although the COVID outbreak has restricted cross-border activities, the parties to its newly accepted cases last year still involved 28 countries and regions, including 14 Belt and Road countries and 7 RCEP countries.

SPECIALISATION IS KEY

High-quality arbitration services require deep industry know-how and serving the need of industry, and provide targeted

specialised services. In the past year, the specialisation of arbitration in China has also experienced rapid improvement.

Last year, the China Securities Regulatory Commission (CSRC) and the Ministry of Justice (MoJ) jointly promulgated the Opinions on Carrying out the Pilot Program of Arbitration in the Securities and Futures Industry. As one of the major trends in the development of arbitration specialisation, both CIETAC and SCIA have made breakthroughs in this field.

In May 2021, CIETAC took the lead in establishing the CIETAC Shanghai International Arbitration Center for Securities/Futures and Financial Disputes. Secretary General Wang Chengjie tells the ALB that the purpose of establishing this center is “to serve the national strategy of building Shanghai into an international financial center, to create a favorable capital market environment, to promote a higher level of opening up of the financial industry, and to enhance specialisation of financial disputes resolution such as securities and futures-related disputes, giving full play to the role of arbitration in the resolution of financial disputes including securities and futures-related disputes, and supporting Shanghai to create a law-based, international and convenient business environment”.

In June, SCIA and Shenzhen Stock Exchange jointly established the China (Shenzhen) Securities Arbitration Center, which officially opened in November. “The demand for protecting investors’ rights and interests has become increasingly prominent,” says Liu. “Capital market arbitration are highly specialised, highly flexible, the arbitration award shall be final and binding, and anti-local protectionism. It is conducive to solving issues in capital market disputes that have been long overdue.”

In fact, as Wang points out, before the establishment of specialised centers, arbitration institutions had already felt the rapid development of financial arbitration. Taking CIETAC as an example, it accepted 1,008 financial cases in 2021, disputed amount involved was about 52.2 billion yuan. Wang tells the ALB that the financial disputes accepted by CIETAC

have some typical characteristics, such as high amount of dispute, large volume, and frequent occurrence of major and important cases; involving various industries and subjects, including financial institutions, intermediaries and investors; the breadth, depth and difficulty involved in the disputes are increasing, financial transaction structures are complex, with



“The revision of the Arbitration Law is of great significance to enhance the credibility, competitiveness and international influence of China’s arbitration, further optimize the social development environment, serve the country’s major development strategies, and promote global economic governance.”

— Wang Chengjie, CIETAC

“本次《仲裁法》修改对增强我国仲裁的公信力、竞争力、国际影响力,进一步优化社会发展环境、服务国家重大发展战略、推进全球经济治理等方面具有重大意义。”

— 王承杰, 贸仲

numerous types of applicable laws, and are subject to numerous and intertwined regulatory systems, and multiple legal issues are involved; the arbitration results are bound to produce scale effects and guidance effects, which often have a significant impact on the market as financial products are highly replicable and widely adopted.

Because of this, CIETAC has always attached great importance to the quality of financial arbitration services. As early as 2003, it has formulated dedicated financial arbitration rules (known as CIETAC Financial Disputes Arbitration Rules), and has invited a large number of arbitrators who specialise in financial disputes such as securities and futures, and now has 560 registered Chinese and foreign arbitrators with financial background.

In the future, CIETAC will make use of the newly established center in Shanghai and its financial arbitration advantages to continuously optimize professional services, publicize the importance of financial arbitration, and attract more parties to use the service. Wang says that CIETAC will focus on both internal and external efforts: internally focus on “improving internal strength,” such as further formulating and improving the financial arbitration mechanism and related rules, and setting up a securities and futures arbitration center at the CIETAC headquarters to give full play to CIETAC’s brand advantages and serve the development of the financial industry.

CIETAC will also strengthen its external cooperation, such as establishing a communication and long-term cooperation mechanism with the courts; establishing and strengthening cooperation with capital market regulators and self-regulatory organizations, improving the effective coordination between arbitration, mediation, and litigation of securities and futures disputes; hosting lectures, seminars and trainings on financial arbitration, strengthen the publicity of CIETAC financial arbitration services, improve and deepen the understanding of financial arbitration among legal professionals, and improve the professionalism of arbitrators and case managers in handling financial disputes; jointly conducting researches on hot and difficult legal issues with industry associations, serve the development of the industry; compile a selection of financial cases which has been addressed independently, fairly, impartially and properly, and guide the healthy and stable development of the industry.

Self-improvement is also an important measure of SCIA to promote the development of securities and futures arbitration. Liu points out that this includes building a first-class professional team of securities and futures arbitrators, "SCIA rolled out a new roster of arbitrators from Feb. 21, including 461 arbitrators in the capital market field, covering a variety of business fields." It also conducts research and formulation of arbitration rules that meet the characteristics of the securities and futures industry, and help resolve disputes through innovative clauses that meet the needs of the industry.

DEEPER REFORMS

In addition to improving professional capabilities, over the past year, arbitration institutions in mainland China have also continued to reform and improve the legal system of commercial arbitration, and enhancing their international credibility and influence.

"Recently, SHIAC has made many attempts to innovate case management and arbitration rules," says Wang Weijun, secretary general of the SHIAC. For example, in terms of case management, SHIAC has tried to hold online hearings since 2020. In October last year, SHIAC participated in the establishment of a litigation, mediation, and arbitration coordination mechanism. If the parties apply for arbitration to confirm the mediation agreement after successful mediation, part of the arbitration fee will be reduced or exempted.

As one of the five most popular arbitration institutions globally in 2021, CIETAC also made a series of new movements in terms of services and systems to benchmark against international best practices. Wang Chengjie introduces four main measures taken by CIETAC in recent years: First, measures to improve the quality and efficiency of case management, including formulating the Interim Measures for Further Improving Arbitration Efficiency, optimizing management processes, and improving the arbitration award scrutiny system, etc. The second is measures to improve the level of informatization, mainly including building a smart trial platform to carry out

online hearing; launching an electronic evidence exchange platform to meet the needs of remote submission of evidence materials and hearing cases; enabling the electronic office process and improving the modernized cloud-based arbitration service. In the past year, CIETAC has registered 870 cases online, accounting for 21.37 percent of the total cases.

The third is the measures taken in response to the COVID-19, such as



"The demand for protecting investors' rights and interests has become increasingly prominent. Capital market arbitration are highly specialised and highly flexible. It is conducive to solving issues in capital market."

— Liu Xiaochun, SCIA

"深沪交易所的交易额连续多年位居全球前三，投资者权益保护需求随之凸显.....仲裁有专业性强、灵活性高等特点，有利于解决资本市场纠纷中长期存在的问题。"

— 刘晓春，深国仲

issuing the "Guidelines on Proceeding with Arbitration Actively and Properly during the COVID-19 Pandemic (Trial)." Fourth, build a more balanced team of arbitrators. Last year, CIETAC updated its Panel of Arbitrators, and for the first time achieved full coverage of all provinces, autonomous regions and municipalities in mainland China; there are 483 arbitrators from Hong Kong, Macao, Taiwan and 85 foreign countries and regions, of which

the number of "Belt and Road" countries increased to 47. The geographical distribution, professional fields and team structure of the arbitrators become more reasonable.

It is worth noting that CIETAC has also taken a series of important measures to further serve the development of the "Belt and Road" Initiative and to provide high-quality arbitration services related to foreign countries/regions and Hong Kong, Macao and Taiwan. Following the launch of the "Beijing Joint Declaration of the Belt and Road Arbitration Institutions" in 2019, CIETAC jointly issued the "Cooperation Mechanism of the Beijing Joint Declaration of Belt and Road Arbitration Institutions" with 32 overseas arbitration institutions and 15 domestic arbitration institutions in 2021, to implement specific measures and carry out legal cooperation for the "Belt and Road" Initiative in an institutionalized way.

In 2021, CIETAC also signed cooperation agreements with the Madrid International Arbitration Center of Spain, the Bangladesh International Arbitration Centre and the Italian Association for Arbitration respectively. In the future, in-depth cooperation will be conducted in such aspects as mutual use of hearing facilities, mutual recommendation of arbitrators, joint organization of international arbitration seminars and arbitration training. For arbitration services related to Hong Kong, Macao and Taiwan, in order to facilitate parties to apply for preservation orders in accordance with the "Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region" signed by mainland China and Hong Kong in 2019, and to promote the dispute resolution mechanism in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA), CIETAC Hong Kong issued the "Practical Guidelines for the Application of the Mainland and Hong Kong 'Preservation Arrangements' in Cases Accepted by CIETAC Hong Kong Arbitration Center" in 2021.

Summarizing a series of reform measures in recent years, Liu of SCIA

says the efforts are mainly focused on major areas of “legalization, specialization, and internationalization.” As an arbitration institution located in the GBA, SCIA has always played an important role in the legal cooperation within the region. It has also continued to explore the reform and innovation of cooperation in the past year. Liu says that through the establishment of the South China (Hong Kong) International Court of Arbitration (SCIAHK) in Hong Kong SAR, a number of foreign-related cases have been tried in a coordinated manner in the past year, that is, mainland parties and arbitrators attended hearing at SCIA, and parties and arbitrators in Hong Kong attended hearing at SCIAHK, the two parties held the court session synchronously by video, which greatly optimized the participation experience of cross-border parties.

REVISED ARBITRATION LAW

Another major development in the field of arbitration has been the revision of the Arbitration Law after a period of 26 years. Considering the great changes in arbitration theory and practice in the time span, the new Arbitration Law will certainly incorporate many new ideas, resulting in tremendous influence.

“The revision of the Arbitration Law has a significant impact on the progress of China’s dispute resolution mechanism”, says Wang Chengjie. He also points out that “it is of great significance to enhance the credibility, competitiveness and international influence of China’s arbitration, further optimize the social development environment, serve the country’s major development strategies, and promote global economic governance.”

Wang Chengjie says that, as the originator of arbitration cause in China, CIETAC provided an important reference and basis for the Arbitration Law when it was first formulated in 1994. In this revision of the Arbitration Law, CIETAC has also organized many internal and external seminars and extensively collected opinions. During the previous four consultations of the Ministry of Justice, CIETAC submitted a total of more than 130 revision opinions and suggestions, which were taken seriously and adopted. For example, the emergency arbitrator

system newly added in this revision has a lot to do with CIETAC’s recommendations based on its own practice. CIETAC has not only formulated the “CIETAC Emergency Arbitrator Proceedings” early on, but also has important practice experience in promoting the Proceedings. In last year, a foreign-related case accepted by CIETAC headquarters triggered the emergency arbitrator procedure. The emergency arbitrator has made a decision



“Recently, SHIAC has made many attempts to innovate case management and arbitration rules to meet the needs of commercial entities for fair, efficient and convenient commercial arbitration services.”

— Wang Weijun, SHIAC

“过去一段时间, 上海国仲开展了很多创新案件管理和仲裁规则尝试, 以满足商事主体对公正、专业、高效、便捷的商事仲裁服务的需求。”

— 王唯骏, 上海国仲

and sent it to both parties within 15 days from the date of accepting the appointment. The decision has been respected and implemented by both parties, which also provides assurance for the effective conduct of subsequent arbitration proceedings. These practices provide important references for the revision of the Arbitration Law.

Furthermore, provisions such as allowing parties to appoint arbitrators

who are not in the arbitrator rosters, empowering arbitral tribunals to make decision on interim measures, expanding the scope of the types of cases accepted by arbitration institutions, the recognition of the arbitral tribunal’s competence-competence, providing legal basis for the online hearing of arbitration institutions will all have specific implications. “Arbitration institutions need to update their arbitration rules accordingly and adjust their daily work to accommodate the new changes in legislation”, says Wang Chengjie.

Wang Weijun of SHIAC agrees. “The new Arbitration Law will be more in line with international practice, but it must also take into account China’s actual situation,” he says. “Some highly internationalized arbitration institutions represented by the SHIAC have long begun to think and explore these areas, that is, how to effectively integrate the institutional concept of international arbitration in the Chinese legal context.”


As an important participant in the formulation and revision of the Arbitration Law, CIETAC also put forward its own reflections on the current draft revision. Wang Chengjie points out that the revision of the Arbitration Law should still be based on the premise and foundation of maintaining the essential nature of arbitration, and maintaining the authority and vitality of arbitration; at the same time, five major relationships must be properly handled. First, the relationship between learning from advanced international practices and being based on China’s local conditions. Arbitration law must be in line with international advanced ideas and common practices. At the same time, it must be rooted in China’s local conditions, consider China’s actual situation, and promote China’s wisdom and experience. Second, the relationship between arbitration law and arbitration rules - the former should carefully grasp the scope of rigid clauses, and the provisions of arbitration procedures therein should be principle-based rather than too detailed. Third, the relationship between institutional arbitration and *ad hoc* arbitration - the principle of focusing on institutional arbitration should be emphasized, and the management responsibilities of the

arbitration institution should be clearly defined. Fourth, the relationship between the judiciary and arbitration - the judicial review of arbitration should be clear, specific, standardized and appropriate; and the relationship between parties' autonomy and institutional management - the institution gives full play to its mature and advanced experience in case management, such as implementing a roster system of arbitrators and allowing parties to choose arbitrators from outside the roster, and the arbitrator should be confirmed by the institution.

NEXT STEPS

In 2022, represented by the revision of the Arbitration Law, Wang Chengjie points out that there are many hotspots in the field of arbitration in China worthy of attention. In this context, "arbitration institutions need not only 'maintaining righteousness,' that is, adhering to the fundamental principles and advanced practices of arbitration, but also 'pursue innovation,' that is, carry out innovations in institutions, mechanisms and daily work based on the strategic planning of national development and hotspots in the field of arbitration.

Accordingly, the work of CIETAC this year will focus on four aspects. First, it will consolidate the foundation for business development by promoting reform, improving rules, optimizing the team of arbitrators, and improving service quality and efficiency. Second, it will better serve new development landscape, and take arbitration services to a new height, including coordinating the development of domestic and international arbitration markets, and expanding the scope of services for key industries such as trade and investment, finance, construction, carbon trading, intellectual property, and digital economy. It will also deepen its presence in key industry markets such as securities and futures, and actively explore new growth points in emerging business areas. Third, it will strengthen international exchanges and cooperation to help build the image of rule of law in China. Finally, it will comprehensively strengthen supervision and management, as well as risk prevention and control to build credibility of arbitration.

Meanwhile SHIAC closely track the progress of the Arbitration Law revision and the reform of the system and mechanism of arbitration institutions, and paying attention to the extension of services for arbitration institutions to "go global" brought about by the RCEP Agreement. Wang Weijun also points out that the importance of technology empowerment and completion of arbitration rules revision. 

■ 2021年,中国仲裁机构受理案件超41.5万件,标的额达8500余亿元,额度再创新高。这一年,中国的仲裁机构总数超过270家,中国也成为了运用仲裁方式解决民商事纠纷最多的国家之一。

近期,中国仲裁领域发展呈现颇多亮点:2021年7月,《中华人民共和国仲裁法(修订)》(征求意见稿)正式对外发布;仲裁机构体制机制改革加速;专业化仲裁快速发展;内港澳三地在仲裁领域的协助机制也得到进一步优化升级。

谈到过去一年机构受理案件情况的变化,受访仲裁机构负责人提到了案件数量及标的额增长、案件类型创新,以及案件国际化程度提升等特点。

例如中国国际经济贸易仲裁委员会(“贸仲”),2021年受理案件4071件,同比增长12.61%,争议金额连续四年突破千亿元大关,其中涉外案件争议金额个案平均高达9千万元,争议金额一亿元以上案件182件;深圳国际仲裁院(“深国仲”)2021年受理仲裁案件7036件,案件争议金额超过856亿元,同比增长38.93%;上海国际经济贸易仲裁委员会(上海国际仲裁中心,“上海国仲”)的案件数量、争议金额和个案平均争议金额也都再创新高,其中案均争议金额超过2300万元。

在案件类型上,仲裁以其高效、灵活的特点反映了诸多社会热点议题。“有新冠疫情影响下医疗设备、核酸检测设备生产与经销纠纷;受金融监管政策收紧影响产生的债券违约、私募基金‘爆雷’、地产企业破产纠纷;气候环境治理相关的新能源汽车开发、能耗技术改革等纠纷;以及文化娱乐产业相关的品牌代言、电子竞技选手转会、网络主播与直播平台等纠纷。”上海国仲秘书长王唯骏分享道。

案件类型多样化、新兴领域案件增长呈亮点也是贸仲去年的受案特色。贸仲副主任兼秘书长王承杰指出,去年贸仲受理案件争议类型共21种,“金融创新类案件增幅达50%以上,建筑工程案件增幅达36%,特许经营、文娱产业等类型争议增幅达一倍以上,知识产权、能源资源、中外合资、房屋土地及房地产、委托合同类纠纷也均有增长”。

在深国仲,院长刘晓春告诉ALB,2021年深国仲主要案件类型依次为金融类案件(占36%)、国际和国内贸易类案件(占16%)、房地产及基础设施与建筑工程类案件(占14%),其中证券和资本市场类案件占比19%,争议金额超过400亿元,主要纠纷类型包括:证券类、基金类、股权投资类、资产管理类、融资融券类、委托理财类、期货类、信托类等。

国际化程度提升则是仲裁案件呈现出的另一特点。贸仲去年受理的涉外案件达636件,双方均为境外当事人案件61件,涉外案件共涉及93个国家和地区;其中涉“一带一路”案件共计136件,涵盖36个“一带一路”国家和地区。2021年深国仲共受理涉外案件345宗,所涉国家和地区25个,其中不乏双方当事人均为境外主体的案件。截至去年底仲裁、调解服务累计覆盖136个国家和地区。在上海国仲,虽然疫情限制了跨境流通,其去年新受理案件的当事人仍涉及28个国家和地区,包括14个“一带一路”国家和7个RCEP国家,此外仲裁规则与法律适用、境外仲裁员参与等方面也处处体现出国际化元素。

仲裁专业化

优质的仲裁服务需要深耕行业、立足行业需求,提供有针对性的专业服务,过去一年,中国仲裁的专业化程度也经历了快速提升。

去年10月15日,证监会和司法部共同颁布《关于依法开展证券期货行业仲裁试点的意见》,支持在北京、上海和深圳开展试点,在仲裁委员会内部设立证券期货仲裁中心,专门处理资本市场证券期货纠纷。作为仲裁专业化发展的重点趋势之一,贸仲和深国仲在该领域都做出了突破。

2021年5月,贸仲率先成立了贸仲上海证券期货金融国际仲裁中心,服务于建设上海国际金融中心的国家战略,“营造良好的资本市场环境,推动金融业更高水平对外开放,提升证券期货等金融纠纷争议解决的专业性,发挥仲裁等在证券期货等金融纠纷解决

中的作用,支持上海打造法治化、国际化、便利化的营商环境”,王承杰秘书长如此总结中心设立的目的。

6月,深国仲与深圳证券交易所协同创新、合作共建中国(深圳)证券仲裁中心,该中心于11月1日正式运作,是《试点意见》出台后成立的全国首家证券仲裁中心。刘晓春院长告诉ALB,证券仲裁中心是全球首个由国际仲裁机构与证券交易所共建的行业仲裁平台,亦是资本市场争议解决中国模式的重要探索。“深沪交易所的交易额连续多年位居全球前三,投资者权益保护需求随之凸显……仲裁有专业性强、灵活性高、一裁终局、去地方保护等特点,有利于解决资本市场纠纷中长期存在的成本高、效率低、可预期性不强、专业度参差不齐、中小投资者保护门槛高和地方保护主义等问题”。

实际上,王承杰秘书长指出,在内设专业中心之前,仲裁机构已经感受到了金融仲裁的快速发展。以贸仲为例,其2021年受理金融类案件1008件,涉案标的约522亿元。王秘书长告诉ALB,贸仲受理的金融争议具备一些典型特征,如争议金额高、体量大、大案要案频现;涉及行业、主体多样,涵盖金融机构、中介机构和广大投资者;案件争议涉及的广度、深度、难度不断提升,金融交易架构复杂,适用法律类别众多,并受制于纷繁交错的监管制度体系,牵涉的法律问题多重;由于金融产品的高度复制性和普遍采用性,个案的裁判结果也势必产生规模效应和引导效应,对市场往往影响重大。

正因如此,贸仲一向注重金融仲裁服务的质量,早在2003年就已制定了专门的金融仲裁规则(即《贸仲金融争议仲裁规则》),且聘任大量擅长证券期货等金融争议解决的仲裁员,具有金融背景的在册中外仲裁员数量共计560人。未来贸仲将借助新设于上海的中心及自身积累的金融仲裁优势,不断优化专业服务,宣传金融仲裁的重要性,并吸引更多当事人使用该服务。王承杰秘书长告诉ALB,贸仲将内外“两手抓”:对内关注“提升内功”,如进一步制定和完善金融仲裁机制和有关规则,并在贸仲总会设立证券期货仲裁中心,发挥贸仲品牌优势,服务金融行业。对外加强合作,如与法院建立沟通和长效协作机制;建立和加强与资本市场监管机构、自律组织之间的合作,完善证券期货纠纷仲裁与调解、诉讼的有效衔接;举办金融仲裁方面的讲座、研讨会和培训,加强对贸仲金

融仲裁服务的宣传,增加并深化法律工作者对金融仲裁的了解,提高仲裁员和案件经办人处理金融纠纷的专业水平;与行业协会共同研究热点难点问题,服务行业发展,编写独立、公平、公正、妥善处理金融类案件的案例选编,引导行业健康稳定发展。

自我提升也是深国仲推动证券期货仲裁发展的重要举措。刘晓春院长指出,“深国仲自2022年2月21日启用新一届仲裁员名册,其中资本市场领域仲裁员461名,主要来自证券监管机构、行业自律组织、资本市场主体、高校研究院等,涵盖多个业务领域”。因此,证券仲裁中心的建设,不仅包括建设一流的证券期货专业仲裁员队伍,也包括研究制定符合证券期货行业特点的仲裁规则,通过符合行业需求的创新条款助力解决纠纷。

证券期货仲裁外,另一个值得注意的仲裁专业化发展方向则为促进数字经济发展的数据仲裁,在此领域上海国仲的实践颇为亮眼。

去年11月,上海国际经济贸易仲裁委员会数据仲裁中心伴随上海数据交易所同时成立,“此前,上海国仲已受理了多起涉及数字贸易、数据交易的仲裁案件,包括跨境电商、虚拟货币、金融科技、网络直播平台等纠纷。”王唯骏秘书长分享道,“未来数据仲裁中心将承载服务数据合规、评估以及交易全周期的争议解决功能,在跨境数字贸易规则制定、数字化仲裁等方面与上海数据交易所开展交流合作。”

深化改革

回应社会经济发展需求无疑是仲裁机构的发展要义,在提升专业能力以外,过去一年,中国内地仲裁机构也不断通过改革完善商事仲裁法律制度,并提高国际公信力和影响力。

“过去一段时间,上海国仲开展了很多创新案件管理和仲裁规则尝试,以满足商事主体对公正、专业、高效、便捷的商事仲裁服务的需求。”王唯骏秘书长如此告诉ALB。

例如在案件管理方面,面对疫情冲击,上海国仲自2020年起尝试在线开庭,已经成功进行了百余场线上开庭、调解、听证等,并在去年7月开通了“一站式”国际商事纠纷多元化解决线上平台,便于当事人在线提交立案材料;去年10月,上海国仲参与建立了诉调仲对接机制,对于先行调解成功后当事人申请仲裁确认调解协议的,予以减免部分仲裁费用。

在仲裁规则方面,上海国仲的工作则包括修订仲裁规则,尤其是打通原有的上海国仲仲裁规则与自贸区仲裁规则;发挥数据仲裁、航空仲裁、中非联合仲裁、金砖国家仲裁机制的作用;明确信息技术的使用并配套制定在线庭审指引;结合《仲裁法》意见稿推进临时仲裁协助服务指引的制定工作等。

作为2021年全球最受欢迎的五大仲裁机构之一,贸仲在服务和制度方面也有一系列新动向,以更贴近国际最佳实践。王承杰秘书长向ALB介绍了贸仲近年采取的三方面主要措施:一是提高办案质效的措施,包括制定《进一步提高仲裁效率暂行办法》、优化业务流程、完善裁决核阅制度等。二是提升信息化水平的措施,主要包括构建智慧庭审平台以实现在线开庭;启用电子证据交换平台,满足远程提交证据材料和审理案件需求;实现办公流程电子化,完善现代化“云上”仲裁服务。在过去一年,贸仲网上立案870件,占比达21.37%。三是应对新冠肺炎疫情采取的措施,例如发布《关于新冠肺炎疫情期间积极稳妥推进仲裁程序指引(试行)》。四是构建更加合理的仲裁员队伍。去年贸仲更新了仲裁员名册,首次实现中国内地各省区市全覆盖;港澳台及外籍仲裁员有483名,分别来自85个国家和地区,其中“一带一路”沿线国家增至47个,仲裁员分布地域、专业领域、队伍结构更加合理。

值得注意的是,在进一步服务“一带一路”建设,做好涉外和涉港澳台仲裁服务方面,贸仲也采取了一系列重要举措。继2019年发起《“一带一路”仲裁机构北京联合宣言》后,贸仲于2021年联合32家境外仲裁机构和15家国内仲裁机构发布《“一带一路”仲裁机构北京联合宣言合作机制》,落地具体举措,机制化开展“一带一路”法治合作。贸仲2021年还与西班牙马德里国际仲裁中心、孟加拉国际仲裁中心和意大利仲裁协会分别签署《合作协议》,未来将在互用开庭设施、互荐仲裁员、共同举办国际仲裁研讨会、展开仲裁培训等方面深入合作。在涉港澳台仲裁服务上,为方便当事人依据2019年中国内地和中国香港签署的《关于内地与香港特别行政区法院就仲裁程序互相协助保全的安排》申请保全,促进粤港澳大湾区争议解决机制发展,贸仲香港于2021年发布《贸仲香港仲裁案件适用内地与香港〈保全安排〉实务指引》。

总结近年来一系列改革措施,深国仲刘晓春院长提出了“法定化,专业化,

国际化”几个特点。在法定化方面，深国仲推动深圳市人大通过《深圳国际仲裁院条例》，以立法方式进一步保障仲裁机构的独立性和公信力；在专业化方面，除金融与资本市场外，深国仲也关注于高科技与知识产权、海事海商与物流行业，并设立了聚焦上述行业的三大专业中心；在国际化方面，伴随2021年底国际仲裁大厦在深圳前海的启用，深国仲开始积极引进相关国际组织和世界知名仲裁机构进驻前海，并于今年更新了新一届仲裁员名单，新一届仲裁员名册中境外仲裁员共计有567名，占比36.67%，覆盖114个国家和地区。

与此同时，作为粤港澳大湾区成立的第一家仲裁机构，深国仲在港澳与内地法律合作上向来扮演着重要角色，其在过去一年也继续探索着内港澳合作改革创新。刘晓春院长告诉ALB，通过在香港设立华南（香港）国际仲裁院（SCIAHK），深国仲形成了“深圳+香港”“双城两院”格局，过去一年有多宗涉外案件采用联动方式审理，即内地当事人、仲裁员到深国仲，在港当事人、仲裁员到SCIAHK，“两院”之间采用视频连线方式“线上+线下”同步开庭，极大优化了跨境当事人的参与体验感。

此外，2021年深国仲还邀请到3家香港、4家澳门法律机构入驻在深圳河套深港科技创新合作区设立的“粤港澳大湾区国际仲裁中心交流合作平台”，进一步促进了内港澳三地机构联动；并通过扩大“粤港澳仲裁调解联盟”成员数量、推出联盟联合调解员名册等方式，继续探索推动“一国两制三法域”规则衔接与制度对接。

《仲裁法》修订将带来影响

近期仲裁领域不可忽视的另一大热点，则是《仲裁法》时隔26年后启动修订，考虑到时间跨度下仲裁理论及实务的巨大变化，新《仲裁法》必将具备诸多新意，产生重大影响。

“本次《仲裁法》修改对中国纠纷解决机制的进步影响重大。”王承杰秘书长指出，“对增强我国仲裁的公信力、竞争力、国际影响力，进一步优化社会发展环境、服务国家重大发展战略、推进全球经济治理等方面具有重大意义。”

王承杰秘书长告诉ALB，作为新中国仲裁事业的始发机构，贸仲在《仲裁法》1994年首次制定时就为其提供了重要参考和依据。这一次仲裁法修改，贸仲亦多次组织内外部研讨，广泛收集意见，在前期司法部四次征求意见

过程中共提交130余条修改意见及建议，得到了重视和采纳。例如，本次《仲裁法》修订新增的紧急仲裁员制度与贸仲基于自身实践所提建议有很大关系。贸仲不仅早就专门制定了《贸仲紧急仲裁员程序》，而且具有推进该程序的重要实践。就在去年，贸仲总部受理的一起涉外案件就启动了紧急仲裁员程序，紧急仲裁员自接受指定之日起15日内就已作出决定并发送双方当事人，该决定得到了双方当事人的尊重和执行，也为后续仲裁程序的有效进行提供了保障。这些实践为本次《仲裁法》的修订提供了重要参考。

此外，开放仲裁员名册、赋予仲裁庭临时措施决定权、扩大仲裁机构受理案件的类型范围、认可仲裁庭的自裁管辖权、为仲裁机构线上工作方式提供法律依据等规定，都将带来具体影响。“仲裁机构需要对其仲裁规则进行相应更新并调整日常工作，以适应立法新变化。”王承杰秘书长提醒道。

上海国仲的王唯骏秘书长对此表示认同。“新制度的演进对仲裁机构案件管理的理念转变及能力提升都将带来新挑战。”她说。新《仲裁法》将更贴合国际实践，但也必须考虑中国实际，“以上海国仲为代表的一些国际化程度较高的仲裁机构很早就开始了思考和探索，即如何在中国的法律语境下有效融入国际仲裁的制度理念。”

她举了仲裁庭做出临时措施决定的例子。在1992年一宗双方都是境外主体的房地产开发合同中，上海国仲要求双方在仲裁期间不得损害对方商誉，这即是一项“有中国特色的仲裁临时措施”。2014年上海国仲在《自贸区仲裁规则》中首次在内地引入临时措施制度和紧急仲裁员制度，也得到国内多家仲裁机构的借鉴，王唯骏秘书长建议道，未来该制度“可以侧重于保护当事人的商誉、商业秘密，对特定标的物的及时处置等行为为保全措施，侧重于证据披露、证据开示等证据保全措施，以区别于法院的财产保全制度，体现商事仲裁特点”。

作为《仲裁法》制定及修订过程中的重要参与者，贸仲也对修订草案现稿提出了自己的思考，王承杰秘书长指出，《仲裁法》的修改仍应首先建立在维护仲裁本质属性的前提和基础上，维护仲裁的权威性和生命力；同时需要处理好五大关系，即学习国际先进做法与立足中国本土国情的关系，仲裁法必然要与国际先进理念和通行做法接轨，与此同时也必须植根于中国的本土国情，考虑

中国的现实情况，发扬中国的智慧与经验；仲裁法与仲裁规则的关系，前者应审慎把握刚性条款的范围，对仲裁程序的规定宜原则而不宜过细；机构仲裁与临时仲裁的关系，应强调以机构仲裁为主的原则，并适当明确仲裁机构的管理职责；司法与仲裁的关系，司法对仲裁的审查应当是明确、具体、规范、适度的；当事人自主权与机构管理的权责关系，机构在案件管理中充分发挥成熟先进经验，例如实行仲裁员名册制并允许当事人在名册外选择仲裁员，且该仲裁员应经机构予以确认。

下一步计划

2022年，以《仲裁法》修改为代表，王承杰秘书长指出中国仲裁领域有许多热点值得关注。在此背景下，“仲裁机构既需要‘守正’，即坚持仲裁根本原则和先进做法，又需要‘创新’，即围绕国家发展的战略规划以及仲裁领域的热点创新体制机制以及日常工作”。

据此，今年贸仲的工作将围绕四方面展开，一是通过推动改革、完善规则、优化仲裁员队伍、提升服务质效等，夯实事业发展基础；二是更好服务构建新发展格局，聚力打造仲裁服务新高地，包括统筹国内国际仲裁市场发展，针对贸易投资、金融、建筑、碳交易、知识产权、数字经济等重点行业领域不断扩大服务范围，深耕证券期货等重点行业市场，积极布局新业务增长点；三是强化国际交流合作，助力法治中国形象建设；四则是全面强化监督管理和风险防控，铸就仲裁公信力。

在上海国仲，下阶段该机构将持续关注《仲裁法》修订进程和仲裁机构体制机制改革，同时关注RCEP协定带来的仲裁机构“走出去”的服务延伸，在知识产权、数字贸易、金融、电信等跨境交易下更好地发挥商事仲裁法律制度的作用。王唯骏秘书长指出，借助科技赋能、完成仲裁规则修订、契合新兴领域争议解决需求，也都是上海国仲不断提升专业性、国际性的手段。

在深国仲，刘晓春院长告诉ALB：“当前国际形势空前复杂，这为跨境争议领域带来诸多不便及不确定性因素。仲裁机构更应充分发挥仲裁跨境管辖、跨境执行的优势。为此，2022年，深国仲一方面将为国际投资纠纷，即投资者与东道国政府间的投资争议解决做好准备；另一方面将持续深化粤港澳仲裁合作，在仲裁实践中推动落实粤港澳各项司法协助制度，为境内外当事人提供优质、高效、便捷的争议解决服务”。¹⁰

远见卓识 运筹帷幄

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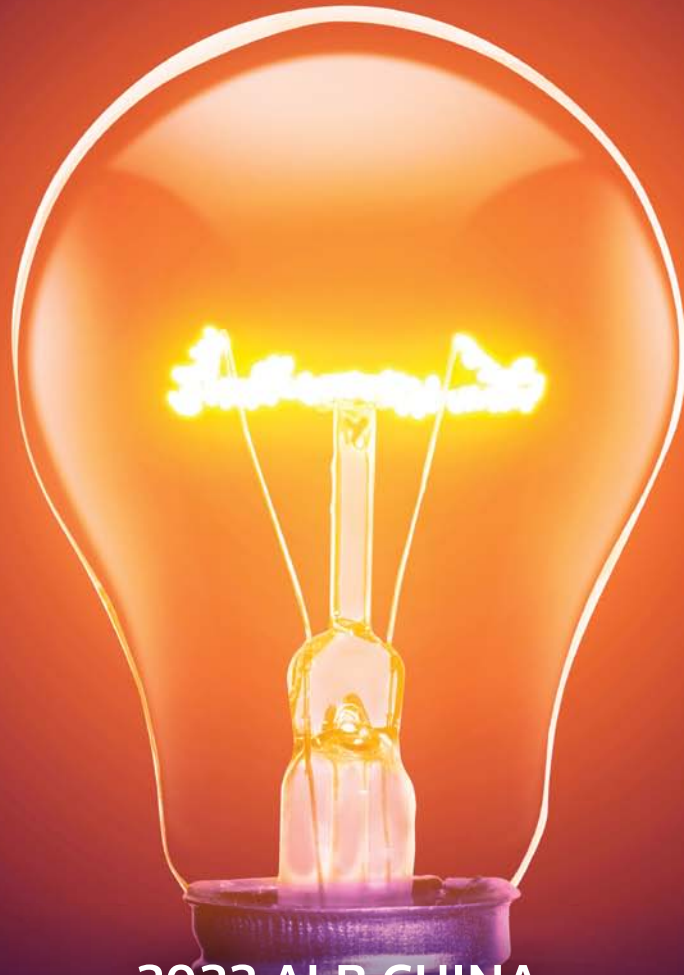
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2022 ALB CHINA

IP RANKINGS

知识产权业务排名

By the end of 2021, China had 3.597 million valid invention patents and 37.24 million registered trademarks, and the number of valid invention patents held by high-tech enterprises accounted for 63.6 percent of the total number held by all Chinese enterprises. As the Chinese government has made it a national policy to “build a powerhouse with intellectual property rights,” the country’s IP field is expected to develop even more rapidly. The winning firms in this year’s ALB China IP rankings are undoubtedly helping to show the way forward.

截至2021年底,中国发明专利有效量为359.7万件,有效商标注册量3724万件,高新技术企业拥有有效发明专利占国内企业总量的63.6%。伴随“知识产权强国”成为新国策,该领域预期经历更为快速的发展,今年上榜ALB China 知识产权业务排名的机构无疑是未来的引领者。

RANKING BY ASIAN LEGAL BUSINESS, TEXT BY HU YANGXIAOXIAO 排名:亚洲法律杂志 撰文:胡阳潇潇

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许可/诉讼

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全球办公地点 / Global Offices

600+

专业团队成员 / IP Professionals

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Purplevine IP Group, incorporated in Shenzhen, China, is a China-based and internationally oriented IP service provider, dedicated to building a bridge for innovation collaboration and promoting the value of intellectual property. The group has built a global network including IP agencies, patent & trademark firms, law firms, IP operating companies and IP investment fund, with business presence in regions with active innovation and IP transactions, in a goal to stay in pace with the industry and remain ready for our clients.

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In 2021, the Guidelines for Building a Powerful Country with Intellectual Property Rights (2021–2035) and the National Plan for Protection and Application of Intellectual Property Rights During the 14th Five-Year Plan Period were issued. The former provides an outline for how the country's IP field will develop in the next 15 years, while the latter establishes some concrete goals and plans for the next five years.

In addition to the two documents, the past year also witnessed many positives in China's IP field: The official implementation of the new Patent Law and Copyright Law, the improved efficiency in patent and trademark registration examination, and China's continued participation in global IPR governance, to name a few. These facts have underpinned the rapid growth of the winning IP firms and are also mirrored in the achievements they made over the past year.

CHANGING DEMANDS

China's economic transformation and the profound implications of the pandemic have driven rapid changes in business trends as well as in regulations and policies. These changes in turn affect the IP demand of Chinese and foreign companies in China. This is felt keenly by the winning firms.

"With the increasingly strong IP protection and the constantly improved legislative, judicial and administrative environments in China, more and more market entities have begun to give importance to their IP planning and IP protection actions," says Long Chuanhong, president of CCPIT Patent and Trademark Law Office.

Chen Mingtao from Commerce & Finance Law Offices agrees. "Enterprises now have a stronger willingness to protect their rights. They no longer settle for 'rights on paper,'" he says. "Instead, they hope to sharpen their competitive edge through acquired IP rights. Moreover, their awareness toward IP risks has increased a lot, which means they would analyze and assess IP-related legal risks."

CHINA DOMESTIC FIRMS 中国本土律所

PATENTS 专利

TIER 1 一类

- CCPIT Patent and Trademark Law Office
中国贸促会专利商标事务所
- China Patent Agent (HK) Ltd.
中国专利代理(香港)有限公司
- JunHe LLP 君合律师事务所
- King & Wood Mallesons 金杜律师事务所
- Lifang & Partners 立方律师事务所
- Zhong Lun Law Firm 中伦律师事务所

TIER 2 二类

- AllBright Law Offices 锦天城律师事务所
- DeHeng Law Offices 德恒律师事务所
- Global Law Office 环球律师事务所
- Han Kun Law Offices 汉坤律师事务所
- Long An Law Firm 隆安律师事务所
- Wanhuida Intellectual Property
万慧达知识产权
- Watson & Band 华诚律师事务所

TIER 3 三类

- An Jie Law Firm 安杰律师事务所
- Anli Partners 安理律师事务所
- Chang Tsi & Partners 铸成律师事务所
- East & Concord Partners
天达共和律师事务所
- FenXun Partners 奋迅律师事务所
- Gen Law Firm 己任律师事务所
- Guantao Law Firm 观韬中茂律师事务所
- Haiwen & Partners 海问律师事务所
- Hiways Law Firm 海华永泰律师事务所
- Hui Ye Law Firm 汇业律师事务所
- Tian Yuan Law Firm 天元律师事务所

TIER 4 四类

- Beijing DHH Law Firm
北京德和衡律师事务所
- Beijing Docvit Law Firm
北京市道可特律师事务所
- Co-effort Law Firm 协力律师事务所
- Dentons China 大成律师事务所
- Duan & Duan Law Firm 段和段律师事务所
- Grandall Law Firm 国浩律师事务所
- Jingtian & Gongcheng 竞天公诚律师事务所
- Purplevine IP Group 紫藤知识产权集团
- Tahota Law Firm 泰和泰律师事务所
- Yuanda China Law Offices 元达律师事务所

NOTABLE FIRMS

- Advance Law Firm 华进律师事务所
- Bridgeon Law Firm 博遵律师事务所
- Broad & Bright Law Firm 世泽律师事务所
- Commerce & Finance Law Offices
通商律师事务所
- HengDu Law Firm 北京恒都律师事务所
- IP March 汇知杰
- Lung Tin IP Attorneys 隆天知识产权
- Lusheng Law Firm 路盛律师事务所
- Merits and Tree Law Offices
植德律师事务所
- T&C Law Firm 天册律师事务所

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TIER 1 一类

- CCPIT Patent and Trademark Law Office
中国贸促会专利商标事务所

"In 2021, due to the pandemic and variations in government policies, the IP service market experienced a temporary period of correction. However, we can still feel the thriving atmosphere of the IP service industry," notes Wen Ming, vice-president of Purplevine IP Group.

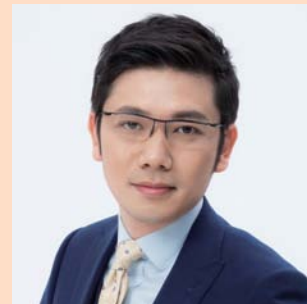
In his opinion, this is mainly driven by the changes in the way innovative Chinese enterprises work on IP. "The IP department of an enterprise was originally a cost center. With enterprises' increased demand for profits and the implementation of incentive policies, a growing number of enterprises are expecting to create value from their years' accumulation of IP," Wen explains.

In response to this change, Purplevine IP is transforming its service pattern. The change can be divided into the following three parts. "First, in terms of patent applications, clients are shifting their focus from quantity to quality, so they would hire IP firms to conduct patent-related competitive analysis and planning. Second, to control risks, clients are more proactive in protecting their IP rights. Finally, clients have begun to pay attention to the global IP market."

According to Long, against the backdrop of such a transformation and looking at industry sectors and IP fields with strong demand for legal services in the past year, there has been an increase in the number of disputes over invention patents in new fields and new business forms. "In addition to pharmaceuticals and communications, there have been more and more patent litigation cases in the Internet, big data, e-commerce, artificial intelligence, block chain, new energy and other emerging technology fields."

In the past year, the IP team of Hui Ye Law Firm served clients from various fields, including the consumer goods, pharmaceuticals, and the Internet. Wang Zhiyong, head of Hui Ye's Beijing office, says that with the introduction of legal amendments and judicial interpretations, the demand for IP protection from these clients has become different in several ways.

三次整合后,道可特剑指 知识产权第一梯队



林蔚
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步入2022年,道可特律师事务所进行了三次整合,分别与达晓、大器和知元三家以知识产权见长的事务所合并,引起了知识产权实务界的高度关注。整合后的道可特知识产权板块,有超过二十名合伙人和六十名专业人员,仔细观察这支庞大团队的历史业绩,不难发现他们不仅在知识产权诉讼和非诉讼的前沿领域业务有一大批高质量客户,办理了一系列有开创性和典型性的案例,斩获了钱伯斯、ALB、商法、legalband等一系列知识产权和竞争法奖项,而且从横向行业剖析,这支队伍中专业人员具有丰富的多学科复合背景,可以在电学、通讯、医药、新能源领域、机械、化工等多领域展开和客户的密切合作。从业人员中不乏之前资深知识产权法官、前资深专利审查员,对于司法政策和行政规则的理解也非常深入。

为此,我们采访了道可特总部管委会委员、北京办公室管委会联席主任、高级合伙人林蔚律师,深入了解全新的道可特知识产权业务领域详细情况:

林蔚律师首先表示:道可特在知识产权业务领域的高速发展,并非短期内人员数量的简单加成。事实上,原先几家事务所的合伙人之间有十年以上的合作经验,重组整合是在长期合作后的水到渠成,同时我们道可特知识产权部门还有如下鲜明的特点和追求:

一、知识产权与竞争法双翼齐飞

在长期提供知识产权服务后,我们认真观察发现,这些科技类的客户除了需要专业律师协助其建立知识产权护城河和应对知识产权挑战之外,还需要在市场中赢得重要的竞争,应对竞争对手的挑战和主管机构的监管。而知识产权和竞争法两大部门法在技术秘密、混淆、商誉、支配地位等方面又存在天然的联系。因此在理解了客户需求和自身专业契合的基础上,道可特知识产权部门采取双翼齐飞的方式并向执业,一方面能够更有效地为同一客户解决多重问题,另一方面能有效拓宽团队的执业领域。

二、站在行业角度,搭建专业能力、团队管理和品牌宣传的三大支点

林蔚律师曾总结,作为一家综合性的事务所要在纷繁复杂的市场环境下赢得竞争,至少要具备六个维度的能力,包括专业、规模、品牌、文化、科技与坚韧度。而即便在这样的事务所平台下,建设一个有竞争力的团队,依然需要搭建好专业能力、团队管理和品牌宣传三个支点。林蔚律师认为在较大的团队规模中依然坚持一体化管理,无论合伙人还是律师都有在知识产权和竞争法项下的两个主要子业务方

向,并且所有律师都可以交叉向所有合伙人直接汇报。全团队的多维协作,能够最大程度地实现效率和一体化,并促进年轻律师的成长。同时整个团队不限于埋头办案,还积极撰写文章,坚持成果输出,组织和参与学术和行业论坛,与高校联动,与媒体互通,勤于与公众、客户、行业、学术界交流。正是因为做到了上述,我们的团队方能在短时间内完成专业品牌塑造和正面形象输出。

三、站在客户角度,关注法律、技术、商业与传播的四大效果

林蔚律师表示,在知识产权和竞争法领域中,法律业务水平当然是第一位的,但也一定要站在客户角度,关注他们的一揽子需求,商业机构在个案中的需求通常都囊括法律、技术、商业和传播四个层面。因此我们既要做好专业工作,同时还需要跳脱出来,用更大的视角和更多元的标准去评价自己的律师的业务。

具体地讲需要做到如下四个方面:

- (1) 法律业务上要打磨并精深专业
 - (2) 积极与技术同事沟通,对行业技术要读懂吃透
 - (3) 绝对不能忘记业务部门的诉求,方案设定要贴合商业需求
 - (4) 在案件之外,要协助客户实现正面传播效果
- 林蔚律师说,只有做好上述这些,才有可能真正地帮助到客户,以及成为法务伙伴的好帮手和知心人。

四、站在市场角度,处理好客户的五大核心诉求

除了部门法的视野和站在行业及客户角度,林蔚律师总结,还应当和客户一起站在市场的角度,协助客户处理好其在经营活动中最核心的五个关系:

- (1) 客户与竞争对手的关系
- (2) 客户与资本的关系
- (3) 客户与监管的关系
- (4) 客户与上下游的关系
- (5) 客户与媒体的关系

林蔚律师最后表示,道可特知识产权业务的整合象征着道可特成为中国法律服务市场知识产权第一梯队奠定了坚实的物质和人才基础,同时我们还开展了“道达计划”,帮助青年法律领军人才快速和高质量发展,这一系列软实力的构建和服务理念的深化都将大大缩短这一进程。林蔚律师相信,虽然经济有周期,市场有波动,但中国知识产权事业蓬勃发展的趋势不会变,道可特的知识产权事业一定会走得更好,也帮助我们的客户走得更远。

“For example, IP rights holders are more concerned about punitive damages,” he says. “2021 is the first year of China’s legislation on data security and personal information protection. With the help of Hui Ye, many Internet giants and large FMCG companies have started working quite early to respond to this change.”

Meanwhile, the IP team of ZY Partners specializes in serving clients in the consumer goods, healthcare, and finance industries. Li Xiaohong, partner at the firm, points out that most of these clients came to them last year for services in trademark protection, fights and rights protection against malicious entities, and IP contract review. The team also encountered lots of new situations when serving clients.

According to Li Ye, managing partner of Advance Law Firm, industries that showed significant growth in demand for IP services in the past year include consumer goods such as beverages and liquor, home and commercial decoration, communication devices, personal healthcare products, medical devices, among others.

ADOPTING NEW STRATEGIES

In addition to identifying market demand and providing services, the winning firms are also constantly optimizing their internal strategies to drive growth in their IP business.

In 2022, Beijing Docvit Law Firm merged with Dare & Sure Law Firm, Dachi Law Firm, and Origintelligence. “Dare & Sure, Dachi, and Origintelligence are all experts in the IP field, each having their own strengths. After integration, the new Docvit IP team combines the advantages of the three firms and has expanded to a size with nearly 30 partners. In the future, we will continue to compete for clients in four industries: the Internet, semiconductors, healthcare, and new energy,” says Lin Wei, senior partner of Docvit and co-director of the management committee of Docvit Beijing Office.

The IP team of Commerce & Finance Law Offices, an early pioneer

- Global Law Office 环球律师事务所
- JunHe LLP 君合律师事务所
- King & Wood Mallesons 金杜律师事务所
- Lifang & Partners 立方律师事务所
- Wanhuida Intellectual Property 万慧达知识产权
- Zhong Lun Law Firm 中伦律师事务所

TIER 2 二类

- AllBright Law Offices 锦天城律师事务所
- An, Tian, Zhang & Partners 安伦律师事务所
- Chang Tsi & Partners 铸成律师事务所
- Co-effort Law Firm 协力律师事务所
- DeHeng Law Offices 德恒律师事务所
- Dentons China 大成律师事务所
- Haiwen & Partners 海问律师事务所
- Hiways Law Firm 海华永泰律师事务所
- Hui Ye Law Firm 汇业律师事务所
- Lusheng Law Firm 路盛律师事务所
- Ronly & Tenwen Partners 上海融力天闻律师事务所
- Tian Yuan Law Firm 天元律师事务所
- TianTai Law Firm 天驰君泰律师事务所
- Watson & Band 华诚律师事务所

TIER 3 三类

- An Jie Law Firm 安杰律师事务所
- Anli Partners 安理律师事务所
- Beijing TA Law Firm 北京韬安律师事务所
- Boss & Young Attorneys-At-Law 上海邦信阳中建中汇律师事务所
- DaHui Lawyers 达辉律师事务所
- East & Concord Partners 天达共和律师事务所
- Han Kun Law Offices 汉坤律师事务所
- Jingtian & Gongcheng 竞天公诚律师事务所
- JunZeJun Law Offices 君泽君律师事务所
- Kangda Law Firm 康达律师事务所
- Landing Law Offices 兰迪律师事务所
- Llinks Law Offices 通力律师事务所
- Long An Law Firm 隆安律师事务所
- Merits and Tree Law Offices 植德律师事务所
- Tahota Law Firm 泰和泰律师事务所
- ZY Partners 北京市正见永申律师事务所

NOTABLE FIRMS

- Beijing Docvit Law Firm 北京市道可特律师事务所
- FenXun Partners 奋迅律师事务所
- Gen Law Firm 己任律师事务所
- Grandall Law Firm 国浩律师事务所
- HongFangLaw 鸿方知识产权
- King & Capital Law Firm 京都律师事务所
- Lung Tin IP Attorneys 隆天知识产权
- Sunhold Law Firm 申浩律师事务所

CHINA INTERNATIONAL FIRMS 在中国的国际律所

PATENTS 专利

Tier 1 一类

- Allen & Overy 安理国际律师事务所
- Baker & McKenzie 贝克·麦坚时国际律师事务所
- Bird & Bird 鸿鹄律师事务所
- CMS CMS中国
- Covington & Burling 科文顿·柏灵律师事务所
- Deacons 的近律师事务所

in providing IP services, has represented many high-profile IP cases. The past few years have seen a growing demand for IP services in capital markets and transactions such as mergers and acquisitions, in which Commerce & Finance is a leader in the practice of law. The firm therefore combined advantages in the two areas and opened up more opportunities for its IP business.

“We have provided in-depth patent due diligence for clients in various investment and financing activities, including analysis of patent ownership dispute risk, analysis of patent stability, and analysis of FTO risk. We have also participated in a number of IP rights fights against pre-IPO companies,” shares Chen Jing from Commerce & Finance Law Offices. “Last year, with enterprises’ better understanding of rules for listing in the STAR Market and the establishment of the Beijing Stock Exchange, patents are of increasing importance in the overall IP planning of enterprises. This has driven up enterprises’ demand for fostering and developing high-value patents.”

COMBINATION OF BUSINESS AND LAW

Over the past few years, the trend toward legal service specialization has given rise to many legal experts specializing in specific industries. IP is a specialty that integrates industrial knowledge, business model and legal thinking, which also calls for professionals who have both “law and business” competence to deliver more comprehensive and creative services for clients.

“IP is an interdisciplinary field, which integrates law and business, natural science and social science. To provide our clients with more comprehensive services, the first thing our IP team needs to do is to understand our clients: their industry background, business model, competitive environment, and even core technologies,” shares Chen Jing from Commerce & Finance Law Offices.



致力于提供优质、 综合的专利法律服务



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一、关注市场变化，与客户共同成长

通商成立于1992年，是中国司法部最早批准设立的合伙制律师事务所之一。经过数年快速、稳健的发展壮大，已成为中国领先的综合性律师事务所之一。早在2000年前后便已布局专利法律服务业务，并深入参与了中兴通讯与爱立信、华为之间旷日持久的一系列专利侵权纠纷，朗科科技U盘专利相关专利侵权纠纷等国内较有知名度的专利事件，代理的多起专利纠纷案件被法院系统评为“全国十大知识产权创新型案件”“知识产权典型案例”等。在巩固原有专利业务优势基础上，通商专注于精进专业能力、拓展了专利代理等业务，为客户提供更全面、更专业的知识产权服务。

伴随着市场经济和国际化的不断深入，国内专利法律服务的水平日益成熟和多元。在专利纠纷案件中，诉讼双方的较量越来越激烈且涉及的法律适用问题亦越来越前沿和精细；国内专利代理水平亦显著提升。未来，法律服务质量将是法律服务机构在市场竞争中的核心竞争力。

与此同时，专利法律服务与企业资本流动的关联性也越来越强。投资方对于被投企业的专利情况重视度越来越高；在企业上市过程中，专利狙击事件亦屡见不鲜。深入分析客户需求，以专利助力企业实现商业价值方能提供更“贴心”的专利法律服务。

尤其是伴随着科创板的开市以及北交所的成立，国内企业对于高质量的专利挖掘和申请服务的需求日益旺盛，专利在企业知识产权整体规划中的重要性日渐突出。通商将专利无效宣告代理及专利诉讼代理中的经验与专利申请业务的经验相结合，为客户提供更优质的专利代理服务。

二、维护客户利益，深信工作的价值

对于通商而言，没有“小案件”。无论案件标的额高低，通商均全力以赴。印象非常深刻的是，曾经我们在一个标的额相对较小的融资项目中承接了技术自由实施（FTO）风险分析服务，团队律师依然从查阅海量的行业调查分析报告开始研究项目背景技术的发展路线、技术方案模块分解，进而研究同业竞争主体的专利储备

和诉讼历史，然后再着手具体的专利检索和分析。不仅要客户的信任负责，维护客户的根本利益，也要让每一位同事，深信工作的价值。

作为高端资本市场法律服务起家的律师事务所，通商能够更深刻地理解客户在投融资过程中可能面临的风险以及可能把握的机遇，为客户提供更切实可行的综合解决方案。在各种投融资活动中为客户提供了包括专利权属纠纷风险分析、专利稳定性分析、FTO风险分析等在内的深度专利尽职调查服务，并成功参与了多起针对拟上市企业的知识产权狙击事件。通商秉持着“大多数律所提供法律建议，我们交付商业解决方案”的服务理念，在法律服务过程中不仅仅做风险提示，还会基于对需求的深入理解，根据实际情况，为客户提供切实可行的知识产权应对方案，跟踪并协助方案的执行。

作为专利代理机构，通商不仅能够根据客户提供的技术交底资料完成高质量专利申请文件的撰写，还能够根据企业的业务发展需求，结合通商的专利无效宣告代理、专利权属纠纷诉讼代理、专利侵权纠纷代理中的经验，提供包括专利挖掘、专利布局建议、专利制度建设与完善在内的综合法律服务。

三、在河流的每一个渡口，与客户同在

通商熟知专利河流的每一处弯折，并在每一个渡口，与客户同在。成功代理诸多疑难、具有极大行业影响力的案件，积累了大量处理知识产权事务的经验，服务的案件多次被评选为“典型案例”：

- 中国铁塔股份有限公司与熊小宁侵害实用新型专利权纠纷（人民网“2018年年度十大专利侵权案件”）
- 中国石化北京研究院系列专利侵权、无效纠纷案（北京市高级人民法院“2017年知识产权十大典型案例”）
- 瑞士埃利康（亚洲）股份有限公司与国家知识产权局专利复审委员会、第三人怡峰工业设备（深圳）有限公司等发明专利权无效行政纠纷（最高人民法院“2014中国法院十大创新性知识产权案件”）
- 深圳市朗科科技股份有限公司与华特迪士尼（上海）有限公司侵害发明专利权纠纷（北京知识产权法院“2014年十大典型案例”）

According to Long, “The combination of law and business is a growing trend in the IP field. It requires the IP service industry to provide more comprehensive services.” Therefore, the Patent and Trademark Law Office strives to provide one-stop services for clients.

Covering the entire value chain of IP is also a key part of Purplevine IP’s business strategy. “When I joined Purplevine IP in early 2019, the company had only 8 employees, and now it has more than 600,” says Wen. “Our service covers virtually every part across the entire chain, including IP application, litigation, licensing, dispute resolution, transaction operations, and analysis and consultation, which differentiates us from our competitors.”

Another differentiator of Purplevine IP is that it “comes from industries and works for industries.” Wen says that some of Purplevine IP’s staff used to serve as heads of the legal or IP departments of well-known domestic and foreign companies, and “this allows us to think from our clients’ point of view.”

Docvit answers clients’ increasing demand for IP services by building legal service products. “We divide our services into standard, non-standard and innovative services. We create mature products and work flows for standard ones. For non-standard ones, we meet clients’ customized needs on the premise of ensuring quality and standards. For innovative services, we build future-proof products through a dedicated R&D team,” says the firm.

In the past year, Hui Ye’s IP team participated in many cross-border IP cooperation projects. The projects involved multiple jurisdictions and industries, while requiring the team to have a deep understanding of laws and business models. Wang says that “as there is a growing demand for IP protection in cross-border e-commerce, and IP-related legal services are increasingly needed by large multinational companies to protect their IP in China and by Chinese high-tech enterprises to go global,” this 50-plus-strong

- DLA Piper 欧华律师事务所
- Eversheds Sutherland 安睿顺德伦国际律师事务所
- Finnegan, Henderson, Farabow, Garrett & Dunner 美国飞翰律师事务所
- Hogan Lovells 霍金路伟国际律师事务所
- Jones Day 美国众达律师事务所
- Mayer Brown 孖士打律师事务所
- Morgan, Lewis & Bockius 摩根路易斯律师事务所
- Morrison & Foerster 美富律师事务所
- Norton Rose Fulbright 诺顿罗氏律师事务所
- Orrick, Herrington & Sutcliffe 美国奥睿律师事务所
- Perkins Coie 博钦律师事务所
- Ropes & Gray 瑞格律师事务所
- Rouse Consultancy 罗思
- Sheppard Mullin Richter & Hampton 盛智律师事务所
- Steptoe & Johnson 美国世强律师事务所

Tier 2 二类

- Clifford Chance 高伟绅律师事务所
- Dechert 德杰律师事务所
- Dorsey & Whitney 德汇律师事务所
- ELLALAN 张淑姬赵之威律师行
- Freshfields Bruckhaus Deringer 富而德律师事务所
- Lee & Ko 韩国广场律师事务所
- MinterEllison 铭德律师事务所
- Marks & Clerk 麦仕奇
- MMLC Group MMLC集团
- Nishimura & Asahi 西村朝日律师事务所
- OLN IP Services 高李严知识产权服务
- Quinn Emanuel Urquhart & Sullivan 美国昆鹰律师事务所
- Ribeiro Hui 李乔安许允立律师事务所
- SIPS 思朴知识产权代理
- Simmons & Simmons 西盟斯律师事务所
- Shin & Kim 韩国世宗律师事务所
- Shusako Yamamoto 山本特许法律事务所
- Skadden, Arps, Slate, Meagher & Flom 世达国际律师事务所
- Spruson & Ferguson
- Squire Patton Boggs 翰宇国际律师事务所
- Stephenson Harwood 罗夏信律师事务所
- TMI Associates TMI综合法律事务所
- Vivien Chan & Co 陈韵云律师事务所
- Wilkinson & Grist 高露云律师事务所

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Tier 1 一类

- Baker & McKenzie 贝克·麦坚时国际律师事务所
- Bird & Bird 鸿鹄律师事务所
- CMS CMS中国
- Deacons 的近律师事务所
- DLA Piper 欧华律师事务所
- Dorsey & Whitney 德汇律师事务所
- ELLALAN 张淑姬赵之威律师行
- Eversheds Sutherland 安睿顺德伦国际律师事务所
- Finnegan, Henderson, Farabow, Garrett & Dunner 美国飞翰律师事务所
- Freshfields Bruckhaus Deringer 富而德律师事务所
- Hogan Lovells 霍金路伟国际律师事务所
- Mayer Brown 孖士打律师事务所
- MinterEllison 铭德律师事务所
- MMLC Group MMLC集团
- Morgan, Lewis & Bockius 摩根路易斯律师事务所

multi-disciplinary team is poised to gain even greater growth.

BOOSTING BRAND VISIBILITY

In addition to developing internal capabilities, the winning firms also explored ways to enhance brand awareness and recognition, and gain a better reputation and a higher market share in the increasingly competitive IP market.

Li Ye of Advance says that Advance’s efforts on IP brand publicity revolve around “professionalism and specialization.” For instance, the firm develops benchmarking and leading cases as publicity tools to enhance brand awareness. Besides, it also uses case briefings, regular forums, conferences, seminars and other activities to consolidate its image as a leading legal service provider. In addition, Advance has established a key client counseling center in the eastern coastal market, a market the firm has paid particular attention to.

In the opinion of Li Xiaohong of ZY Partners, the key to an IP team’s success in enhancing its market recognition is “good quality control. Our team is led by partners or senior lawyers in every step in the provision of services, which has been highly recognized by our clients.”

A team of high-quality talent is admittedly what allows Hui Ye’s IP team to keep enhancing its brand. Wang shares that Hui Ye introduced three IP teams in 2021. “Now we have more than 100 members on our IP team. With the business during the pandemic affected by the prevention and control policy, Hui Ye’s IP services can still grow, which owes to the early steps we took.”

NEXT STEPS

As leaders in China’s IP field, how do the winning firms anticipate the future of this field and what are their future strategies?

Long of CCPIT Patent and Trademark Law Office is optimistic about the future. “China’s IP environment will be further improved, and market entities will attach greater importance to IP planning and IP rights



精专促发展, 细节见真章 ——专访2022 ALB China知识产权业务排名 上榜律所: 正见永申律师事务所

Leading the Way by Specialization

—Interview with 2022 ALB China IP Rankings Winner:
ZY Partners



李晓红 Li Xiaohong
合伙人 Partner
xiaohong.li@zypartners.com

ALB: 过去一年, 正见永申在知识产权业务领域取得了怎样的成绩和突破? 有哪些代表性的亮点案例?

正见永申律师事务所合伙人李晓红律师: 正见永申精专知识产权和民商事诉讼业务24年, 为客户就知识产权保护提供务实、创新的解决方案, 成绩斐然。过去一年, 我们参与、代理了众多国内外知名企业的疑难、复杂知识产权事务和案件。如英国某知名汽车公司诉国内某汽车公司反不正当竞争案件, 被誉为国内整车外型成功获得反法保护第一案; 美国知名运动品牌与国内某运动品牌系列商标无效宣告行政诉讼案, 因涉及知名运动员的姓名权保护而广受关注。此外, 我们还协助国内知名银行间组织处理其与国际知名自律组织版权协议, 促进了国内外银行间组织交流与合作; 代理了国内知名能源企业处理商标侵权及反法诉讼, 有效维护了当地市场秩序, 为打击恶意攀附提供典范。在此基础上, 我们也为国内外客户成功获得了多项驰名商标保护。

ALB: 正见永申如何强化知识产权领域的专业化建设? 俗话说: “能力在细节中”, 您如何理解专注细节在服务客户中的重要性?

李晓红律师: 正见永申坚持精专化发展路线, 为强化知识产权业务能力, 多措并举。通过细分类型化案件, 深钻深挖法律问题, 从而做到业务精通; 同时, 我们还关注知识产权各法律保护现状和态势, 开拓保护思路和角度, 做到服务创新; 此外, 在积极开展内外业务培训的同时, 我们还进一步加强了与知识产权数据和服务平台的合作, 做到服务贯通。

细节精准到位, 既是对业务能力的基础要求, 也是提升服务客户水平的必需。在具体案件处理中准确提供事实基础, 举证入微; 在法律文书撰写中力求缜密分析论证, 逻辑清晰。正见永申作为一家中型专业律所, 能在众多知识产权服务机构中保持优势, 榜上有名, 离不开对细节品质的把控和追求。关注细节更是关切客户需求、提出前瞻且可行的建议、助力客户知识产权保护的必备素养。

ALB: 哪些核心理念与律所文化是正见永申获得人才青睐的关键? 贵所在人才培养方面有着怎样的机制和举措?

李晓红律师: 人才是律所发展的第一驱动力, 正见永申也向来十分重视人才的培养和传承。“尊重”、“开放”和“一起”, 是我们吸引人才的三个关键词。首先, 员工个体情况、个体意愿、适时协调工作和灵活的办公机制都是我们的重点关注; 其次, 正见永申向员工开放业务学习、精进客户服务和职业晋升的通道, 以系统的考核体系、培训和业务拓展课堂等形式, 确保人才在工作的同时收获技能、提升素养, 并实现职业晋升; 与此同时, 我们还更为注重新人的培养, 通过带教老师制、轮岗制等对新人进行专业培养、能力开发, 谋求个人与事务所的共同发展。

ALB: What achievements and breakthroughs of ZY Partners made in IP practice in the past year? What are the typical highlights?

Li Xiaohong (Li): ZY Partners has been specializing in IP and civil and commercial litigation for 24 years, achieving remarkable results by providing practical and innovative solutions for IP protection. In the past year, we acted in many difficult and complicated IP transactions and cases of well-known enterprises at home and abroad. For example, we participated in a case of unfair competition that a well-known British automobile company sued a domestic automaker, which was known as the first case of anti-unfair competition protection for the appearance of a vehicle has been granted in China. We also acted in an administrative lawsuit for declaring the invalidity of a series of trademarks between a well-known American sports brand and a domestic sports brand, which has attracted wide attention due to the protection of the naming rights of famous athletes. In addition, we assisted a well-known domestic interbank organization in handling copyright agreements with prominent international self-disciplinary organizations, promoting the exchange and cooperation between domestic and overseas interbank bodies. And we represented well-known domestic energy enterprises to deal with trademark infringement and anti-unfair competition lawsuits, effectively maintaining the orders of local market and creating a model for combating malicious “free-ride”. We have also successfully obtained a number of well-known trademark protections for domestic and foreign clients.

ALB: What has ZY Partners done to build up IP capacity? What is your take on the importance of focusing on details in client service?

Li: ZY Partners adheres to the development of specialization and has taken multiple measures to build up its IP capabilities. We take pride in being IP experts by subdividing cases of different types and digging deep into legal issues. At the same time, we closely follow the current situation of IP legal protection and explore new ideas and perspectives to achieve services innovations. Besides, while actively carrying out business training, we have also further enhanced cooperation with IP data and service platforms to achieve service continuity.

Being detail-oriented is a necessity for improving the level of client service. For instance, we strive to present the most accurate facts and the most concrete evidence in each case and make the most cautious and logically analysis and arguments in legal documentations. ZY Partners, as a medium-sized boutique firm, relies on relentless control and pursuit of details and quality to stand out from the crowd. In addition, paying close attention to details is also an essential quality for making forward-looking and feasible suggestions for protecting IPs of the clients.

ALB: What helps ZY Partners attract talents? What mechanisms do you have in place for talents training?

Li: ZY Partners has always attached great importance to the training and mentoring of our people by revolving around “respect”, “openness” and “togetherness”. First of all, the individual situation, personal will, appropriate coordination of work and flexible working arrangements are our key concerns. We have transparent channels for employees to enhance their professional skills, improve client service and achieve career promotion. With a systematic appraisal framework, training and business development courses, our people gain skills and improve competency at work. Meanwhile, with schemes such as mentorship and rotation, we pay more attention to provide new joiners with professional training and ability development so that they grow together with the firm.

protection. The number of patent and trademark applications will continue to rise, and there will be a surge in litigation and dispute resolution cases, especially in the most focused areas of industrial development.”

“In the next 1–2 years, the downward pressure on the economy will increase, while the hot areas will remain vibrant; at the same time, the reform and reshuffle of the legal service industry will be even more drastic,” predicts Lin of Docviti. “In this context, China’s IP services will show several characteristics. Most active clients will come from the domestic manufacturing and consumption industries, the industry chain spanning the upstream and downstream of new energy, healthcare industries as well as the social and entertainment industries in the form of new technologies. These clients will have an increased demand for IP lawyers, but they will raise the bar. Lawyers should have a deep understanding of law, technology, and business and familiarize themselves with competition law and compliance services.”

What’s more, based on China’s recent proposal to build a unified national market, “the demand of clients, including that for IP, will extend to China’s major economic belts as this market is being built. This requires law firms to deliver one-stop services on a country-wide scale.”

Another hot spot for IP services is international services. Wen of Purplevine IP has personal experience of this. “The number of international litigation cases handled per year by Purplevine IP is increasing rapidly,” he says. Purplevine IP has set up a branch in Washington DC, and is establishing offices in Germany and Switzerland to better serve the overseas intellectual property needs of Chinese enterprises. In addition to litigation, “Purplevine IP is also helping clients develop the capability of predicting overseas risks.”

In the future, Hui Ye’s IP team will make progress from two perspectives: specialty plus industry. “We will focus on key industries such as the Internet, communications, phar-

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METHODOLOGY

Our rankings are based on the following metrics:

- The volume, complexity and size of work undertaken
- Presence across Asia and in individual jurisdictions
- Key personnel hires and growth of the practice group
- Key clients and new client wins
- Firm’s visibility and profile in the region
- Year-on-Year development and momentum

我们的排名

排名基于以下标准进行：

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- 主要人员聘用和执业团队的成长
- 主要客户和赢得的新客户
- 律所在相关地区的知名度和地位
- 与去年同期相比的发展状态和发展势头

maceuticals and medical devices, and FMCG,” says Wang. “Meanwhile, we will continue to explore new growth engines in the IP field. For instance, we have launched an IP insurance plan in cooperation with a large national insurance company, and some clients have been insured through this plan.”

The future growth of Commerce & Finance’s IP team will be achieved from services, personnel and specialization. “We will further expand our service scale, refine our service fields, and strengthen our talent pool in each field,” says Gong. “In the future, Commerce & Finance will continue to capitalize on our advantages in TMT, pharmaceuticals and other fields and operate through our local branches to deliver a complete set of IP legal services to more tech companies.” 

2021年,《知识产权强国建设纲要(2021—2035年)》和《“十四五”国家知识产权保护和运用规划》相继印发,前者为中国未来15年知识产权事业发展提出总纲,后者则为未来5年该领域发展提出若干具体目标及规划。

两份文件外,过去一年中国知识产权领域也频现亮点:新《专利法》《著作权法》正式实施;专利及商标注册审查实现提速增效;多项促进知识产权运用的举措出台;中国继续积极参与知识产权全球治理……诸般背景为知识产权机构快速发展奠定基础,也反映在他们过去一年的成绩之中。

今年的ALB China 知识产权业务排名与往年相同,分为“专利”和“商标/著作权”两部分,通过对知识产权机构工作情况、市场占有率、团队成长、客户情况、知名度及发展势头展开考量,对他们进行了分等级呈现,其中第一级代表了其所属司法辖区内的最强知识产权律所。

与去年相比,在“专利”部分,9家机构排名提升,6家机构新入选排名;在“商标/著作权”部分,则有12家机构排名提升,同样6家机构新入选排名——这样的变化彰显出律所不断提高知识产权业务的重要性,也表明了该市场潜伏的激烈竞争。

服务需求变化

中国经济的转型需求,加之疫情带来的深远影响,都促发商业趋势及法规政策的快速变更,进而影响中外企业在华知识产权需求,对此上榜机构有着深刻感受。

“随着中国知识产权保护力度逐年增强,立法、司法、行政环境不断优化,越来越多市场主体开始重视在知识产权上的布局 and 维权行动。”中国贸促会专利商标事务所所长龙传红总结道。

通商律师事务所的陈明涛律师对此表示认同:“一方面,企业有更强的维权意愿,不再满足于‘纸面上的权利’,希望通过已获得的知识产权强化竞争优势,实现价值增长;另一方面,企业的知识产权风险意识明显增强,既体现在企业日常经营中越来越重视知识产权合规,也体现在越来越多企业在启动重要项目前,会进行知识产权法律风险分析和评估。”

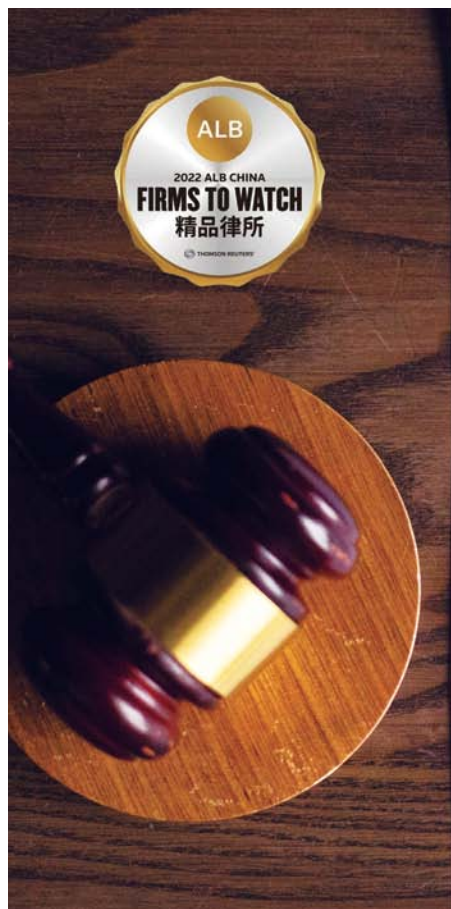
“2021年受疫情和国家政策调整影响,知识产权服务市场呈现阶段

“Advance’s efforts on the intellectual property brand publicity revolve around professionalism and specialization. It has also established a key client counseling center in the eastern coastal market, a market the firm has paid particular attention to.”

— Li Ye, Advance Law Firm

“华进知识产权的品牌宣传围绕‘专业’展开,例如通过建立标杆案例与经典案件包装打磨制度提升品牌知名度与口碑;形成以案件简报为基础的市场化律所内容输出制度,定期举办论坛、会议、沙龙等活动,加强专业形象展示推广。”

— 黎叶, 华进律师事务所



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“Enterprises now have a stronger willingness to protect their rights. They hope to sharpen their competitive edge through acquired IP rights. Moreover, their awareness toward IP risks has increased a lot, which means they would analyze and assess IP-related legal risks.”

— Chen Mingtao, Commerce & Finance Law Offices

“企业有更强的维权意愿，不再满足于‘纸面上的权利’，希望通过已获得的知识产权强化竞争优势，实现价值增长；企业的知识产权风险意识明显增强，越来越多企业在启动重要项目前，会进行知识产权法律风险分析和评估。”

— 陈明涛，通商律师事务所

性调整状态，包括非正常专利申请的减少、企业调整专利申请预算等，都对产业有一定结构性影响。”紫藤知识产权集团副总裁文明律师则观察到，“不过此类影响并非坏事，反而促使整个知识产权服务行业呈现出更为健康的蓬勃发展状态。”

在他看来，这主要借由中国创新型企业知识产权工作发展阶段的变化。他解释道：“企业的知识产权部门最初都是成本中心，而伴随企业对收益的要求以及国家政策的鼓励，越来越多企业开始期待利用多年的知识产权积累创造价值，这也反映在国内知识产权法院的受案量激增之中：以深圳中院为例，2020年收到知识产权案件数量同比上升了60%以上，2021年知识产权不正当竞争类案件数量同比上升了近50%。”

成立三年来，紫藤一直以“行业中的真正创新者”为目标客户，因此“创新型客户面临着需求的转变，紫藤的服务也在转变”。这种变化可以分为三方面，“专利申请侧，客户慢慢从规模向质量发展，聘请知识产权机

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目前，博遵旗下各公司、各分所总计专业服务人员近百名，以成为“客户心中首选的知识产权合作伙伴”为愿景，在“通过专业服务为客户创造商业价值、解决实际问题”的使命召唤下，砥砺前行。

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构做专利竞争性分析及布局等；风险侧，客户开始从被动风险应对转向主动风险预警及积极维权；除此之外，越来越多的客户开始关注全球知识产权交易的发展动态与，并咨询紫藤为其定制企业专门的知识产权运营方案，例如专利池建设方案、对外许可方案等。这些都是产业转型发展的新阶段所带来的新兴知识产权服务的需求。”

在这样的转型背景下，具体到过去一年服务需求突出的行业及知识产权业务领域，龙传红所长指出，涉及新领域、新业态发明专利纠纷增多，“除医药、通讯领域外，涉互联网、大数据、电子商务、人工智能、区块链、新能源等新兴技术领域的专利诉讼案件也越来越多”。

“此外，涉及标准必要专利（SEP）的诉讼和无效案件明显增加，凸显了SEP专利的重要性和热度以及业界借助无效和诉讼来促进谈判的趋势”，他说，“专利申请业务表现出类似趋势：医药、通讯领域仍是热点，涉及互联网+、人工智能、大数据、物

“With the increasingly strong IP protection and the constantly improved legislative, judicial and administrative environments in China, more and more market entities have begun to give importance to their IP planning and IP protection actions.”

— Long Chuanhong, CCPIT Patent and Trademark Law Office

“中国知识产权立法、司法、行政环境不断优化，越来越多市场主体开始重视知识产权布局和维权行动……医药、通讯领域外，涉互联网、大数据、电子商务、人工智能、区块链、新能源等新兴技术领域的专利诉讼案件也越来越多。”

— 龙传红，中国贸促会专利商标事务所

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“In the next 1–2 years, most active clients will come from the domestic manufacturing and consumption industries, the industry chain spanning the upstream and downstream of new energy, healthcare industries as well as the social and entertainment.”

— Lin Wei, Docvit Law Firm

“未来，活跃客户会集中在国产平替制造业和消费业、新能源上下游全产业链、生命健康产业，以及新技术形态下的社交和娱乐业，这些客户对于知识产权律师的要求更高，需要深刻理解法律、技术、商业，还要旁通竞争法和合规业务。”

— 林蔚，北京市道可特律师事务所

联网、自动驾驶、区块链等新兴领域的专利申请增长态势也十分明显。”

“在商标和版权领域，文化创意产业的申请和保护成为新热点。随着元宇宙和NFT为代表的数字商品经济蓬勃开展，如何在虚拟世界有效保护客户权益成为需要重点关注的方向。”龙所长说。

过去一年，汇业律师事务所知识产权团队为消费品、医药和互联网行业在内的多领域客户提供了服务，汇业北京办公室主任王志勇律师告诉ALB，伴随法律修改和司法解释出台，此类客户对知识产权保护的需求的确形成了一些新特点。

“一方面，知识产权权利人更关注惩罚性赔偿问题，客户在要求汇业知产团队提供服务时，对于惩罚性赔偿明显期待更多，而我们也承办了中国惩罚性赔偿第一案。”他说，“另一方面，2021年是数据安全和个人信息保护立法元年，《数据安全法》《个人信息保护法》先后通过，诸多互联网大厂以及大型快消品公司等都在汇业的帮助下，很早就开始了相关工作布局。”

HONGFANG LAW LEGAL & IP

We believe that the best legal solutions for any of our clients' IP issues is to establish an integrated brand strategy by “Know What You Have”, “Tell What You Want” and “Do What You Can”.



HongFang Law (HFL) partners have been practicing IP law for more than 20 years with a common goal of providing the best tailor-made solutions for clients. HFL's top priority is the commitment to clients and stakeholders, together with the maintenance of a high standard of service quality. HFL practices through different entities integrated with our law firm, including an IP consulting firm and IP consulting Co. Ltd., covering the Chinese nation with our resources from Shanghai, Guangzhou, and Beijing.

We include in our portfolio both Fortune 500 enterprises or reputable SMEs or individual inventors in the sectors: Automotive, Chemistry, Communications & Marketing, Construction, Food & Beverages, Petroleum & Energy Technologies, Information Technologies, Materials & Manufacturing, Pharmaceuticals, Software & E-commerce, Sporting Goods, Web-Based Technologies.

We focus on legal solutions for IP matters as our key practice, and we assist clients with other legal issues derivatively, primarily: Trademark & Patent Acquisition, Copyright Registration, Domain Name Acquisition & Arbitration, Customs Recordation & Prosecution, Administrative & Criminal Prosecution, Administrative & Civil Litigation, Licensing & Transaction Support, Legal Risk Assessment & Advice, Contracts & Advertisement.

Our partners, **Mr. Zhang Xu, Ms. Tiger Zhao, Ms. Irene Zeng, Ms. Nikita Xue, Mr. Eric Su and Mr. Kevin Xu**, are using their profound experience to support the firm and push us forward into the new variable IP landscape in China.

HongFang Law (HFL)

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北京市正见永申律师事务所知识产权团队重点服务于消费品、医疗大健康、金融行业客户，合伙人李晓红律师指出，过去一年此类客户的需求主要集中于商标保护、对恶意主体的打击和维权、知识产权合同审核方面，服务中他们遭遇了不少新情况，例如“恶意抢注行为越来越隐蔽和复杂，新型恶意抢注商标事件时有发生，需要权利人更为积极的维权和国家机关更主动的遏制”。此外，“新商业模式和新型产品的商标申请保护与固有的商品区分表指定商品服务名称存在契合度问题，亟待进一步调整”。

在华进律师事务所管理合伙人黎叶律师的感受中，过去一年知识产权服务需求出现明显增长的行业包括消费品，例如饮料、白酒；家装及商业装修行业；通讯设备行业；以及个人健康护理产品、医疗设备行业等。“受商业和立法趋势影响，客户过去一年的知产需求集中在商标确权行政纠纷、商标侵权维权纠纷、专利侵权维权纠纷、著作权及外观侵权维权纠纷、美国337调查、跨境电商下架、

“The IP department of an enterprise was originally a cost center. With enterprises' increased demand for profits and the implementation of incentive policies, a growing number of enterprises are expecting to create value from their years' accumulation of IP.”

— Wen Ming, Purplevine IP Group

“知识产权部门最初都是成本中心，而伴随企业对收益的要求以及国家政策的鼓励，越来越多企业开始期待利用多年的知识产权积累创造价值，这也反映在知识产权法院的受案量中：例如深圳中院2020年知识产权案件数量上升了60%以上。”

— 文明，紫藤知识产权集团



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“The key to an intellectual property team’s success in enhancing its market recognition is good quality control. Our team is led by partners or senior lawyers in every step in the provision of services, which has been highly recognized by our clients.”

— Li Xiaohong, ZY Partners

“知识产权团队提升市场认可度的核心在于做好自身质量控制。我们从品牌策略建议,到具体商标授权确权申请、知产维权诉讼、合同审查,都由合伙人或资深律师全程带领团队进行,严格把握服务质量,因此获得了客户的高度认可。”

— 李晓红,北京市正见永申律师事务所

游戏合同纠纷、不正当竞争等领域。”他总结道。

策略助力

洞察市场需求并提供服务外,上榜机构也在不断优化内部策略,助力知识产权业务发展。

2022年,道可特律师事务所先后完成与达晓、大器、知元三家律所的合并。道可特高级合伙人、道可特总部管委会委员、北京办公室管委会联席主任林蔚律师说:“达晓、大器、知元都见长于知识产权领域且各有侧重,达晓擅长互联网、通讯、新能源等涉技术较强的领域;大器在著作权法和文娱领域有鲜明优势;知元在医药、化工领域深受客户认可。”整合后的道可特新知识产权团队实现了优势互补,且具备了近30名合伙人的团队规模,未来将继续关注互联网、半导体、生命健康和新能源四条赛道。

谈到上述赛道客户需求的变化,林律师深有感触:“在进入存量市场博弈的商业趋势和强化知识产权保护的立法趋势下,互联网领域客户需求



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集中于与竞争对手的知识产权博弈、数据合规和竞争合规；半导体和新能源客户集中在知识产权挖掘、布局的护城河构建和攻防的强需求阶段；医药领域在疫情时代机遇叠加集中采购利空、并要照顾到创新与仿制的平衡，需求多样，专利链接制度成为新增长点，药品技术交易更加频繁，衍生出较多的诉讼和非诉讼需求。”

“总体看，虽然有经济下行压力，但上述赛道客户对知识产权的投入仍在加码。”他说，“这对法律服务从业者在技术和商业上的本领提出了更高要求。”新道可特知识产权团队正是期待通过资源整合，未来更好地满足客户的高阶需求。

在通商律师事务所，借助开拓较早的知识产权业务，知识产权团队已代理了多起颇具影响力的知识产权纠纷。在过去几年，资本市场、并购等交易类业务对于知识产权服务的需求快速增长，而通商恰是上述领域的领衔律所，两大板块优势的结合为通商知识产权业务带来了更多机会。

“通商在各种投融资活动中为

“IP rights holders are more concerned about punitive damages. 2021 is the first year of China’s legislation on data security and personal information protection. With the help of Hui Ye, many Internet giants have started working quite early to respond to this change.”

— Wang Zhiyong, Hui Ye Law Firm

“知识产权权利人更关注惩罚性赔偿问题，客户对此明显期待更多；另一方面，2021年是数据安全和个人信息保护立法元年，诸多互联网大厂以及大型快消品公司等，在汇业的帮助下，很早就开始了相关工作布局。”

— 王志勇，汇业律师事务所



Widely recognized as a leading PRC law firm, HUI YE provides comprehensive legal services, with a particular focus in commercial law, to both domestic and international clients. We are one of the largest firms in China, with integrated domestic offices in major cities including: Shanghai, Beijing, Guangzhou, Shenzhen, Chongqing, Lanzhou, Nanjing, Chengdu, Taiyuan, Ningbo, Wuhan, Xi'an, Hefei, Qingdao, Suzhou, Hangzhou, Changsha, Zhejiang (Pilot Free Trade Zone), Wuxi, Changzhou, Dalian, Lianyungang, Haikou, Urumqi, Guiyang, Nanning, Kunming, Nantong, Shanghai (Lin-gang Special Area), Changchun, Nanchang, Hong Kong; and overseas offices in Atlanta and Los Angeles in the United States of America. With more than a thousand licensed lawyers and professionals, we are capable of and committed to providing our clients with customized and innovative solutions to legal issues. We have established widespread representative offices through strategic cooperation located in the city of Berlin, Cologne, Frankfurt and Freiburg in Germany; Paris, Lyon and Bordeaux in France; Berne, Geneva and Lausanne in Switzerland; and also Rotterdam in Netherlands. We have also built strategic cooperation partnership in Canada, Belgium, Portugal, Italy, Sweden, Australia, Greece, Cyprus, Spain and some other countries.

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客户提供了包括专利权属纠纷风险分析、专利稳定性分析、FTO风险分析等深度专利尽职调查,并成功参与了多起针对拟上市企业的知识产权狙击事件。”通商的陈敬律师分享道。“过去一年,伴随企业对科创板上市规则的深入理解以及北交所的成立,专利在企业知识产权整体规划中的重要性日渐突出,企业对于高价值专利培育和挖掘的需求也日趋旺盛。”

“作为以高端资本市场法律服务起家的律师事务所,通商能够更深刻地理解客户在投融资过程中可能面临的风险以及可能把握的机遇。未来我们也将充分利用这一优势,为客户提供优质、贴心的法律服务。”陈律师说。

法商结合

过去几年,法律服务专业化趋势促生了众多专精行业领域的法律专家,而知识产权作为一项融合了产业知识、商业逻辑与法律思维的专业,更呼唤“法商结合”的人才,为客户提供更为综合、更有创意的服务。

“知识产权是个学科交叉的领域,融合了法律与商业、自然科学与社会科学。”通商的巩靖律师坦言,“为了向客户提供更综合的服务,通商知识产权团队在工作中的第一项任务是去理解客户:理解客户的行业背景、业务逻辑、竞争环境,甚至于核心技术。”

为了更好地实现“理解”,通商知识产权团队采用了建立常年法律顾问服务合作关系的方法,以“与客户更紧密地衔接,为客户提供更切实可行的建议”。巩律师告诉ALB,例如对于身处蓝海的企业,通商会将更多精力放在协助客户进行知识产权储备和知识产权管理体系优化,建立或者巩固先发优势;对于逐渐步入红海的企业,则会更加关注他们可能面临的知识产权法律风险,提示客户进行相应防范。

在中国贸促会专利商标事务所龙传红所长看来,“知识产权领域愈发呈现法律与商业融合态势,这要求知识产权服务行业提供更综合的服务”,为此专利商标事务所致力于为客户提供一站式服务。

龙所长具体介绍道:“在传统业务上,我们继续发挥申请、检索、无效和诉讼方面的优势,同时拓展服务领域,根据客户侧重的技术方向与国内外潜在的商业需求,帮助企业进行知识产权的挖掘、分析、导航、预警、风险控制等,进行知识产权布局。在知识产权运用等其他方面,我们也提供知识产权的转让、许可、尽职调查、价值评估、质押融资等服务。我们力争提供知识产权全链条服务,从而更好地帮助企业搭建完善的知识产权保护及运用体系。”

涵盖知识产权全价值链条也是紫藤的业务布局重点。“2019年初我加入紫藤的时候公司才有8位员工,如今超过了600人。”文明律师如此讲述紫藤的快速成长,“我们在知识产权申请、诉讼、许可、争议解决、交易运营、分析咨询等方面进行了全链条业务部署,这是紫藤比较独特的地方。”

紫藤的另一个特点则是“来自产业,服务产业”。文明律师告诉ALB,紫藤的高阶人员一部分曾担任国内外知名企业法律或知识产权部门管



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理者，“这让我们能够站在甲方的角度思考问题：比如一家企业在做年度知识产权规划时需要考虑哪些因素？如何才能符合企业管理层对知识产权布局的期望？”如此不仅能够站在同一平台和客户对话，甚至一定程度给予客户启发。此外，紫藤还非常重视跟进产业发展，除了定期的产业动态更新，还在打造自己的产业专利库。

面对客户不断提升的知识产权服务需求，道可特则给出了“打造法律服务产品”的答案。林蔚律师告诉ALB，具体到知识产权领域，产品化思路分三个层面。“一是统一服务和产品质量标准。二是从业务类型上进行标类、非标类和创新类业务的区分，针对标类业务打造成成熟产品和服务流程；针对非标类业务在保证质量和标准前提下满足客户定制化需求；针对创新类业务，则通过专门的研发团队打造面向未来的产品。”

最后，法律服务产品化还能让律所积极和数据库、咨询机构、政府智库、科技公司等第三方机构合作，通过专项报告、白皮书、风控产品等，向

客户提供涵盖法律、行业和商业的综合性产品。

过去一年，汇业知识产权团队参与了众多跨境知识产权合作项目，项目涉及多法域、多产业，也要求团队对于法律、商业逻辑有深刻理解。王志勇律师告诉ALB，汇业专门处理跨境知识产权业务的团队在过去一年代理了众多跨国公司知识产权诉讼业务，并为上海国际贸易知识产权海外维权基地提供法律咨询服务、参与了广交会线上知识产权服务等。

未来，伴随“跨境电商知识产权保护业务需求增长旺盛、大型跨国公司在华知识产权保护事宜稳定增长、中国本土高科技创新型企业发展走向海外过程中知识产权法律服务需求也越来越多”，这支50余人组成，业务涵盖机械、通讯、化学等多个领域的团队也将迎来更大发展空间。

更“可见”的品牌

修炼“内功”之外，过去一年，上榜机构也积极思考提升品牌知名度与认可度，在竞争日益激烈的知识产权业

务市场收获更好的口碑与更高的市场份额。

华进的黎叶律师告诉ALB，华进知识产权的品牌宣传围绕“专业”展开，例如通过建立标杆案例与经典案件包装打磨制度提升品牌知名度与口碑；形成以案件简报为基础的市场化律所内容输出制度，定期举办论坛、会议、沙龙等活动，加强专业形象展示推广。

此外，在华进特别注重开拓的东部沿海市场，律所还建立了大客户顾问中心，“配备法律与市场复合背景人才，专注为东部沿海地区品牌企业、科创企业提供商业性解决方案”。

在正见永申的李晓红律师看来，知识产权团队提升市场认可度的核心“还是在于做好自身质量控制。我们从品牌策略建议，到具体商标授权确权申请、知产维权诉讼、合同审查，都由合伙人或资深律师全程带领团队进行，严格把握服务质量，也正因如此，获得了客户的高度认可”。

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Key Practice Area / 主要业务领域

- 知识产权
Intellectual Property
- 兼并与收购
Mergers & Acquisitions
- 劳动法
Labor and Employment
- 医药与健康
Pharmaceuticals and Healthcare
- 私募股权与投资基金
Private Equity & Investment Funds
- 诉讼、仲裁及其他争议解决
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李晓红律师告诉ALB, 正见永申“绝大多数律师出自国内外顶尖法学院, 同时吸纳了原法院、审查机关的优秀人才, 从而保障了我们的专业化、精深化”。

吸纳优才无疑也是汇业知识产权团队借以实现品牌提升的途径。王志勇律师说, 过去几年汇业开展“2049优才计划”, 尤其在2021年引进了三拨知识产权业务团队, 包括年初由他本人携20余人的知产团队加入汇业北京办公室; 苏和秦、甄书琦、梁思思、吴聪美四位律师携团队加入汇业上海办公室; 以及黄琮律师携团队加入汇业上海临港办公室。“如今汇业知产团队总人数已经超过一百人……疫情期间业务受防控政策影响较大, 而汇业知识产权业务却逆势发展, 就倚仗于我们提前布局、统筹安排。”王律师说。

下一步计划

作为中国知识产权业务领域的领先者, 上榜机构又如何预判该领域未来发展趋势, 并如何规划自身发展策略?

对于未来, 中国贸促会专利商标事务所龙传红所长持乐观的态度: “中国的知识产权环境会进一步完善, 市场主体将进一步重视知识产权的布局 and 维权, 专利和商标申请量会进一步上升, 相关的诉讼和争议解决会进一步涌现, 尤其在产业发展的热点领域。”具体到近期, “受新冠疫情影响, 预期生物医药方面的专利许可、谈判和专利纠纷会是知识产权服务的热点之一”。

“未来1-2年, 一方面经济下行压力加大, 另一方面热点赛道依然会保持活力, 同时法律服务行业的变革和洗牌会更加深入。”道可特的林蔚律师则做出此种观察, “在此背景下, 中国知识产权服务会呈现几个特点: 活跃客户会集中在国产平替制造业和消费业、新能源上下游全产业链、生命健康产业, 以及新技术形态下的社交和娱乐业, 这些客户对于知识产权律师的需求加大, 但要求更高, 需要深刻理解法律、技术、商业, 还要旁通竞争法和合规业务”。

此外, “在部分存量竞争行业, 客户与竞争对手的知识产权争议会增加; 在快速发展赛道中, 客户与资本之间关于知识产权尽职调查和货币化的需求也会增加。”林律师说。最后, 基于近期中国提出构建全国统一大市场, “客户包括知识产权在内的需求会随着大市场的构建延伸至中国主要经济带, 要求律所可以输出全国性一站式服务”。

知识产权业务的另一个热点将是涉外服务。龙传红所长指出: “随着经济全球化和中国科技的进一步发展, 涉外知识产权纠纷仍会保持增多趋势, 这也为知识产权服务行业的国际化提供了良好机会。”

紫藤的文明律师对此深有体会。“紫藤每年处理的涉外诉讼案件数量正在快速提升。”他说, “我们常开玩笑说: 一家企业不遭遇海外知产诉讼, 就证明市场做得不够好; 当企业频繁遭遇海外诉讼, 才证明产品竞争力上去了。”他告诉ALB, 目前紫藤已经在美国华盛顿设立分支机构, 德国、瑞士的办事机构也在设立中, 以



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便更好地服务于中国企业的海外知识产权需求。应对诉讼之外，“紫藤也在帮助客户逐步建立海外风险预判能力”。

谈及未来，汇业知识产权团队将在“专业+行业”两个方向精进，“我们会在互联网、通讯、医药及医疗器械、快消品等重点行业深耕，”王志勇律师说，“同时积极探索知识产权新的增长点，例如我们和某大型全国性保险公司合作推出了知识产权保险业务，目前已经有客户成功投保。”

通商知识产权团队的未来发展则将从业务、人员、专业化三个角度展开。“我们会进一步拓展业务规模，细化专业服务领域，并在各个细分领域加强人才储备。在人员关系上，我们会进一步促进合伙人与律师之间的协作关系，并完善团队的知识传承体系。”巩靖律师说。

“未来，通商将继续依托TMT、医药等优势领域，以各地分所为辐射节点，在业务领域和区域进行拓展，为更多科技企业提供综合的知识产权法律服务。”巩律师说。ALP








华诚律师事务所
WATSON & BAND LAW OFFICES

华诚知识产权代理有限公司
WATSON & BAND INTELLECTUAL PROPERTY AGENT LTD.

华诚成立于1995年，总部位于上海，分支机构遍及北京、香港、哈尔滨、兰州、烟台、广州、苏州、池州、郑州、成都、东京等国内外城市（更多分支机构信息请浏览“联系华诚”）。二十多年来，华诚秉承“诚信、思远、敬业、进取”的企业文化，已经发展成为由华诚律师事务所、华诚知识产权代理有限公司等多个实体组成的法律和知识产权服务综合体。

华诚目前的整体业务范围已经涵盖知识产权、公司商事、数据法律与知识产权服务、资本市场、金融与资产管理、破产与重组、文化娱乐体育、建筑房地产及基础设施、劳动人事、家事与财富管理、贸易海关及税务、诉讼与争端解决、调查等众多领域。

Watson & Band was established in 1995 and is headquartered in Shanghai. It maintains domestic and international branch offices in Beijing, Hong Kong, Harbin, Lanzhou, Yantai, Guangzhou, Suzhou, Chizhou, Zhengzhou, Chengdu and Tokyo (for more details on these offices, please refer to our official website). Over the last two decades Watson & Band, adhering to its philosophy of “Integrity, Strategy, Professionalism and Dedication”, has developed into an integrated legal and IP services provider that is represented primarily by Watson & Band Law Offices and Watson & Band Intellectual Property Agent Ltd.

Watson & Band’s current scope of practice covers various areas including intellectual property; corporate and commercial law; data law and IP services; capital market; financial and asset management; restructuring and insolvency; culture, entertainment and sports; construction, real estate and infrastructure; labor and employment; family law and wealth management; trade, customs and tax; litigation and dispute resolution; and investigation, etc.



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ASIAN LEGAL BUSINESS

OFFSHORE
CLIENT CHOICE
LIST 2022

ALB 2022
年客户首选离
岸律师榜单

In its annual list, ALB highlights some of Asia's distinguished lawyers working with offshore law firms. These legal professionals have outperformed the peers and earned wide recognition from their clients with high-quality advice and support. The lawyers in the list were selected based on client recommendations sent directly to ALB. Some lawyers have been profiled below.

在这份年度榜单中, ALB评选出了亚洲地区最为杰出的离岸律师。这些法律专业人士借助高质量的法律建议和服务支持, 获得了客户广泛认可, 在同辈中脱颖而出。ALB根据客户直接提供的反馈评定出了此份榜单。下文中, 您可以一览部分上榜律师的风采。

LIST BY ASIAN LEGAL BUSINESS, TEXT BY BINGQING WANG

排名: 亚洲法律杂志, 撰文: 王冰清

VINCENT CHAN 陈颖恒

Appleby, Hong Kong 毅柏律师事务所, 香港

NICHOLAS DAVIES

Walkers, Hong Kong 汇嘉律师事务所, 香港

JAMES GADEN

Walkers, Hong Kong 汇嘉律师事务所, 香港

NORMAN HAU 侯洛文

Conyers, Hong Kong 康德明律师事务所, 香港

KATE HODSON 凯特·赫臣

Ogier, Hong Kong 奥杰律师事务所, 香港

JEREMY LIGHTFOOT 赖晋美

Carey Olsen, Hong Kong 凯瑞奥信律师事务所, 香港

PAUL LIM 林明良

Conyers, Hong Kong 康德明律师事务所, 香港

JENNY NIP 聂淑娴

Campbells, Hong Kong Campbells律师事务所, 香港

JAMES NOBLE 詹诺倍

Carey Olsen, Hong Kong 凯瑞奥信律师事务所, 香港

ANTHONY OAKES

Ogier, Hong Kong 奥杰律师事务所, 香港

NICHOLAS PLOWMAN 包乐文

Ogier, Hong Kong 奥杰律师事务所, 香港

SAM ROBERTSON

Forbes Hare, Singapore Forbes Hare, 新加坡

DANIELLE ROMAN 罗丹霓

Mourant Ozannes, Hong Kong Mourant Ozannes, 香港

ROBERT SIT 薛正睿

Travers Thorp Alberga, Hong Kong 泰特加律师事务所, 香港

PETER VAS

Loeb Smith, Hong Kong Loeb Smith, 香港




KATE HODSON

partner and head of ESG (legal), Ogier

As the head of ESG (Legal) of Ogier, Hodson advises GPs and fund managers on the establishment and structuring of private equity funds and hedge funds as well as advising on their fund investments.

Hodson, who has more than 14 years' experience, joined the Ogier partnership in 2015 when she was 34, becoming the youngest partner in the firm and the first female partner in the Hong Kong office.

Hodson is believed to be the only private practice investment funds lawyer in Asia with environment law expertise and launched the first of its kind Sustainable Investing and Impact Funds practice for an offshore law firm at Ogier. She is also one of a small number of offshore lawyers working in the Japan market.

"Kate is technically excellent, so clever and commercially minded. She is so fast at grasping complex issues and practically finding solutions," says a client. 


凯特·赫臣

奥杰律师事务所合伙人、ESG法律业务主管

作为奥杰ESG业务主管，赫臣为基金发起人、基金经理就设立、搭建私募基金和对冲基金，以及基金投资提供法律意见。

赫臣从业已14年有余，她于2015年、34岁之际成为奥杰的合伙人，是该所历史上最年轻，也是香港办公室第一位女性合伙人。

赫臣是亚洲唯一一位拥有环境法背景的私人执业领域投资基金律师，并在奥杰创办了离岸律师事务所中绝无仅有的可持续投资及影响力基金业务。她也是少数能够在日本市场执业的离岸律师之一。

"凯特在技术上堪称完美，她非常聪明，也很有商业头脑。她能快速掌握复杂难题，并提出脚踏实地的解决方案。"一位客户说。 




JEREMY LIGHTFOOT

partner, Carey Olsen

Lightfoot joined Carey Olsen in February 2020 and has more than 15 years of legal experience. As the head of the dispute resolution and litigation practice in the firm's Hong Kong office, his practice is focused on high-value and complex commercial and corporate litigation, insolvency and restructuring matters under the laws of Bermuda, the British Virgin Islands and the Cayman Islands.

Among his most noteworthy work, Lightfoot acted for a key shareholder in a high-value and high-profile shareholder dispute concerning a Cayman Islands-registered company involving some of the largest allegations of fraud ever made in respect of a HKSE-listed company. He also represented the successful claimant in securing enforcement in the British Virgin Islands of a PRC judgment.


"Jeremy is one of the most professional lawyers I've ever worked with. We can trust him with many difficult problems," says a client. 

赖晋美

凯瑞奥信律师事务所合伙人

赖晋美律师于2020年2月加盟凯瑞奥信，迄今他已有超过15年的法律执业经验。作为该所香港办公室争议解决和诉讼业务负责人，他关注于百慕大群岛、开曼群岛，及英属维尔京群岛法律下的高额及复杂商业诉讼，以及破产重整事宜。

他代理过诸多值得关注的案例，包括在一起开曼群岛注册公司的高金额、高关注度股东纠纷中代理一位关键性股东，该案涉及到与港交所上市企业有关的大型欺诈指控。他还帮助一位在中国内地判决中胜诉的原告在英属维尔京群岛展开判决执行。

"赖是我共事过的律师中最职业的一位。我们可以放心把许多困难问题交给他。"一位客户说。 



JENNY NIP

partner and head of PRC Group, Campbells

As the Hong Kong-based Head of PRC Group at Campbells, Nip is dedicated to all areas of corporate transactions, including capital market transactions, M&A, take-private deals, downstream private equity financing and investment deals.

Nip has represented issuers, arrangers and investors in pre-IPO financings and listings of BVI and Cayman Islands companies on stock exchanges around the globe. Nip has been named on the ALB Offshore Client Choice list in 2016, 2019, 2020 and 2021, and featured as a Notable Mention in 2017.

One client is quoted as saying: "She is quite familiar with Chinese clients and their way of thinking and handling things. She always makes efforts to address clients' concerns." Another adds: "In addition to her solid technical skills, she is also highly innovative and practical in terms of provision of legal solutions. She is also a very hardworking lawyer, reachable 24/7." ^{ALB}

聂淑娴

Campbells律师事务所合伙人、中国部主管

作为Campbells律师事务所中国部主管，聂淑娴律师擅长各类型公司交易，包括资本市场交易、并购、私有化项目，以及私募基金投融资事宜。

聂律师就pre-IPO融资，以及英属维尔京群岛及开曼群岛公司在国际交易所的上市，为发行人、承销商及投资人提供服务。聂律师曾于2016、2019、2020及2021年上榜ALB客户首选离岸律师榜单，并于2017年被该榜单列为值得关注律师。

一位客户评价道：“聂很熟悉中国客户，以及他们思考和处理事情的方式。她努力解除客户的各项疑虑。”另一位则说：“过硬的法律技巧外，她还能提供兼具创新性与务实性的法律解决方案。她很刻苦，为客户提供7天/24小时的服务。” ^{ALB}



JAMES NOBLE

partner and head of litigation, insolvency and restructuring, Asia, Carey Olsen

Noble, formerly the Singapore managing partner of another leading offshore firm, joined Carey Olsen in 2019 as its Asia head of the litigation, insolvency and restructuring team. Carey Olsen now has the largest offshore litigation team in Singapore.

A specialist in complex and high value shareholder litigation, asset recovery, cross-border enforcement and insolvency, Noble has over 20 years of experience advising on a broad spectrum of commercial, trust and estate disputes and private wealth matters.

Noble is the only litigator in Singapore to be admitted in both Cayman and BVI. He is also a registered Bermuda practitioner.

"James is an excellent lawyer who remains highly responsive and pragmatic in the most challenging circumstances," says a client. Another says he is "deeply experienced in offshore disputes, able to provide quick advice, and very astute on strategy." ^{ALB}

詹诺倍

凯瑞奥信律师事务所合伙人；亚洲诉讼、破产和重组业务负责人

詹诺倍曾在另一家市场领先的离岸律师事务所新加坡办公室担任管理合伙人，他于2019年加入凯瑞奥信，并担任该所亚洲诉讼、破产和重组业务负责人。凯瑞奥信目前拥有新加坡规模最大的离岸诉讼团队。

詹律师拥有超过20年执业经验，是复杂且高额股东诉讼、资产追回、跨境执行及破产领域专家，就广泛的商业、信托及继承纠纷、私人财富事宜提供建议。

詹律师是新加坡唯一一位同时获许在开曼及英属维尔京群岛执业的诉讼律师。他同时拥有百慕大群岛执业资格。

"詹是一位出色的律师，在最具挑战的情况下也能快速反应，提出切实建议。"一位客户说。另一位则称赞他“深谙离岸争议解决，反应迅速，能制定老练的诉讼策略。” ^{ALB}



ROBERT SIT

counsel, Travers Thorp Alberga

Sit, who joined Travers Thorp Alberga following more than ten years of legal experience gained from both onshore and offshore law firms in Hong Kong and Australia, specializes in corporate law, capital markets, open-end and closed-end funds.

Sit is qualified to practice in multiple jurisdictions. He is also an expert in providing to-the-point solutions and versatile offshore legal advice to clients based in Mainland China with multilingual proficiency and in-depth knowledge of the market and business culture.

He has acted extensively on general corporate matters, including initial public offerings of shares of Cayman issuers on both Hong Kong Stock Exchange and New York Stock Exchange, M&A, joint venture formation and start-ups.

“Robert is responsive, practical and brings a commercial approach to matters,” says a client. Adds another: “He knows what clients want and can always deal with issues in a simple and commercial way.” ^{ALB}

薛正睿

泰特加律师事务所顾问

加入泰特加律师事务所前，薛正睿律师已经在香港、澳大利亚的在岸及离岸律师事务所积累了逾十年执业经验，专长于公司法、资本市场，以及开放和封闭型基金业务。

薛律师拥有多法域执业资格。借助流利的语言能力、对市场及商业文化的深刻了解，他尤其擅长为中国内地客户提供切中肯綮的离岸法律意见。

他就广泛的公司事务提供意见，包括开曼群岛发行人在港交所及纽交所的IPO事宜、并购、合资企业设立，以及初创公司法律问题。

“薛律师反应快速，能提供脚踏实地且符合商业逻辑的意见。”一位客户说。另一位补充道：“他知道客户想要什么，总能用简单且商业化的方式解决问题。” ^{ALB}



PETER VAS

partner, Loeb Smith Attorneys

Vas, who has been in the industry for around a decade, joined Loeb Smith in its Hong Kong office in 2020 with a focus on banking and finance, corporate and restructuring transactions.

During his time at Loeb Smith, Vas has been heavily involved in broadening the firm’s presence in the banking and finance areas.

Vas has acted on some of the largest and most complex banking and financing and corporate and restructuring transactions in the Asian market. These have included providing BVI and Cayman Islands law advice in connection with China Vanke’s participation in a consortium to take Global Logistic Properties private; and providing offshore law advice to M&G and MetLife in connection with a loan to refinance Dolphin Square.

“Peter is very practical and listens carefully to what is needed, and therefore able to provide pragmatic advice,” says a client. ^{ALB}

PETER VAS

Loeb Smith Attorneys 律师事务所合伙人

Vas 律师执业已逾十年，他于2020年加盟 Loeb Smith 香港办公室，重点关注于银行金融、公司业务，以及重组交易。

在 Loeb Smith 执业期间，他帮助该所极大拓展了在银行与金融业务领域的影响力。

Vas 参与过亚洲市场部分规模最大、复杂度最高的银行与金融、公司，以及重组交易，其中包括就万科集团所在财团私有化普洛斯的交易提供开曼群岛及英属维尔京群岛法律下的意见；为 M&G 投资基金及大都会人寿保险就海豚广场再融资贷款提供离岸法律意见等。

“Peter 很脚踏实地，能够仔细聆听客户需求，因此提供切实的法律意见。”一位客户说。 ^{ALB}




ANTHONY OAKES

partner and head of banking & finance, Asia, Ogier

Oakes, who joined Ogier's Hong Kong office in January 2014 and became partner in 2015, is the head of finance practice in Asia, providing BVI and Cayman legal advice pertaining to financing transactions and restructuring. He has more than 27 years of experience.

Oakes has worked extensively on refinancing, schemes of arrangement, investor/shareholder rights and actions, bond restructurings, private equity, cross-border leveraged and acquisition financing transactions, M&A and IPO. Since joining Ogier, Oakes has advised on several notable transactions.


"Tony is a fine operator who is the perfect blend of attributes that any lawyer should have - empathy, perspective, care and conscientiousness," says a client. "Tony has been pivotal when we have faced a very difficult structure and his proposed approach facilitated the deal going ahead - for which our own clients were very grateful. He is also just a wonderful person, which matters." 

ANTHONY OAKES

奥杰律师事务所合伙人、融资业务亚洲负责人

Oakes于2014年1月加盟奥杰香港办公室，并于2015年升任合伙人。他目前领导该所在亚洲的金融业务，就融资交易及重组事宜，提供开曼群岛及英属维尔京群岛法律下的建议。他从业已逾27年。

Oakes在再融资、债务整理方案、投资者/股东权利及诉讼、债券重整、私募基金、跨境杠杆及收购融资、并购及IPO领域拥有丰富经验。加入奥杰后，他参与了多宗重要交易。

"Tony拥有杰出的掌控力，也有一位律师应有的各项特质：同理心、视角、关切，以及责任心。"一位客户说。"Tony在一宗困难交易中扮演了关键性角色，他提出的方法使得交易可以顺利进行，我们的客户因此充满感激。他还是个极可爱的人。" 




NICHOLAS PLOWMAN

Hong Kong practice partner and head of Investment Funds - Asia, Ogier

Plowman, a founding member of Ogier's Hong Kong office, has more than sixteen years of experience working in the offshore legal sector in the region. Under his leadership, Ogier's Hong Kong office has grown to more than 120 people, including 62 in the legal team.

Plowman is widely regarded as one of Hong Kong's finest private equity, hedge fund and venture capital lawyers specializing in BVI and Cayman Islands law. Among some of his most significant cases in recent years, he advised his longstanding client LionRock Capital on its acquisition of a 31.05 percent share in Italian football club Inter Milan; advised TT Bond Partners on the establishment and structuring of joint venture arrangements for \$250 million.


A client praises Plowman as being "incredibly collaborative and I know I am going to receive the best offshore advice in the market when I turn to Nick." 

包乐文

奥杰律师事务所香港办公室主管合伙人、亚洲投资基金团队主管

包乐文律师是奥杰香港办公室的创始人之一，在该区域拥有超过16年的离岸执业经验。在他的领导下，奥杰香港办公室拥有了一支规模超120人的团队，其中62人耕耘于法律领域。

包乐文律师被公认为香港最优秀的开曼群岛及英属维尔京群岛法律专家之一，就私募股权、对冲基金及风险投资提供法律意见。近年他参与的重要案例包括：为老客户莱恩资本就收购国际米兰足球俱乐部31.05%股权提供意见；为金融公司TT Bond Partners就2.5亿美元合资公司的设立提供意见。

一位客户称赞包乐文律师“是极佳的合作伙伴，只要找Nick，就能得到最佳的离岸法律建议。” 

The point of change. 改变的重点

We know there is no one-size-fits-all. This is why our sustainable investment and legal experts provide clients with a bespoke approach to identifying and achieving ESG and impact goals across the investment spectrum.

我们知道没有什么一成不变。这就是为什么我们的可持续投资和法律专家为客户提供一种定制方法来识别和实现整个投资领域的ESG和影响力目标。

Legal and Corporate Services

Beijing
British Virgin Islands
Cayman Islands
Guernsey
Hong Kong
Jersey
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Shanghai
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ALB CHINA CAPITAL MARKET FORUM 2022 HELD SUCCESSFULLY

2022年ALB中国资本市场论坛圆满落幕


— The ALB China Capital Market Forum 2022 was successfully held at Four Seasons Beijing on April 22, bringing together over 100 capital market experts, corporate general counsels, in-house counsels, business elites and senior executives for a day of discussions about hot issues such as listing models, listing on the Beijing Stock Exchange and in Hong Kong and the commercial value-add of in-house counsel.

The Forum kicked off with a keynote speech by Zhang Liguo, Chief Partner of Grandway Law Offices, themed on “The Mode Selection of Enterprise Listing in Multi-Level Capital Market.”

After a short refreshment break, Yan Kebing, Director and Senior Partner of Hai Run Law Firm, and Luo Huiyuan, Member of Management Committee and Senior Partner of Hai Run Law Firm, jointly presented on “Focus on the Beijing Stock Exchange-focus on specialization and special new enterprises.”

Following a lively exchange during the networking luncheon, the Forum resumed at 1:30 pm for the afternoon session. Zhang Guoguang, Member of Management Committee and Senior Partner of Hylands Law Firm, delivered a keynote speech titled “The Main Modes of HK IPO.”

In the following panel discussion, Hu Yangxiaoxiao, Legal Editor of Thomson Reuters ALB China, and Allen Liu, Joint Company Secretary and Legal Director of Xiaomi Corporation, explored “The Development Path of Chinese Enterprises’ Capital Market and the Commercial Contribution of In-House Teams under the Current China’s Industrial Development and the Capital Markets Trend.”

The Forum concluded successfully and was warmly received by all participants. We sincerely thank all the guests for their attendance and look forward to seeing you at the next ALB event. 



4月22日，2022年ALB中国资本市场论坛在北京四季酒店圆满举办。百余位来自不同行业的资本市场实务专家、企业总法律顾问、公司法务、商界精英与高级管理人员齐聚一堂，针对企业上市模式、北交所上市、香港上市、企业法务的商业贡献力等热点话题进行了分享讨论。

早上9点30分，论坛正式开始。论坛首先迎来第一个演讲环节，由国枫律师事务所首席合伙人张利国律师带来题为“多层次资本市场下企业上市之模式选择”的主题演讲。

张利国律师首先介绍了境内外主要资本市场概况，随后从群像特点、上市板块选择及上市模式角度出发，对境内外上市中资企业的现状进行了深入分析。此外，他结合申请撤回及被否案例，指出企业上市审核问询当中应该注意的要点。最后，张利国律师还以自身丰富的实务经验，对中资企业的上市方式选择进行了展望与考量，他提出：以长远眼光看待问题是关键。

短暂茶歇后，论坛进入第二个演讲环节，海润天睿律师事务所主任、高级合伙人颜克兵律师，及海润天睿

律师事务所管委会委员、高级合伙人罗会远律师共同带来聚焦北交所的相关主题演讲。

颜克兵律师为与会嘉宾带来“北交所上市要求、审核理念及其意义——基于与科创板、创业板的比较分析”主题演讲。他首先介绍了北交所上市标准、市场定位的特点与优势，指出了其多元与包容的特点。随后，颜律师从上市标准的对比出发，深入分析了三大板块的不同。最后，颜律师指出，要充分理解北交所市场定位，并进一步分享了北交所的上市优势、关注要点、审核注意点、常见问题及机遇所在。

随后，罗会远律师带来题为“鼓励创新、强化约束——北京证券交易所制度规则解读”的演讲。罗律师首先通过设立背景、基础制度及规则体系为大家详细梳理了北交所的业务规则。随后，他从发行上市的条件、再融资规则、交易规则、投资者适当性制度及转板五个层面出发，更细致地剖析了北交所上市过程中所需注意的要点。

在随后的交流午餐环节，各位与会嘉宾与演讲者进行了热烈交流。

下午1点30分，论坛精彩继续。下午活动的第一个环节依旧是嘉宾演讲，由浩天律师事务所管委会委员、高级合伙人张国光律师带来题为“香港上市主要模式介绍”的主题演讲。

张国光律师从香港资本市场的大背景出发，详细介绍了香港上市标

准的具体情况及其近期变化，特别是新经济企业上市中所需要关注的规则。随后，张律师从上市时间表、中介机构和律师职责角度，探讨了香港IPO成功挂牌的完整过程。此外，张律师还从H股、大红筹、小红筹、拆分及介绍模式几个方面出发，结合具体案例，对上市模式选择以及上市相关政策中所需关注的问题进行了深入讲解。

随后，论坛迎来了专家讨论环节，由汤森路透ALB中国区法律编辑胡阳潇潇与小米集团联席公司秘书及法务总监刘灏先生，就“当前中国的产业发展逻辑和境内外资本市场逻辑下，中国企业资本市场发展之路及企业法务的商业贡献力”展开讨论。

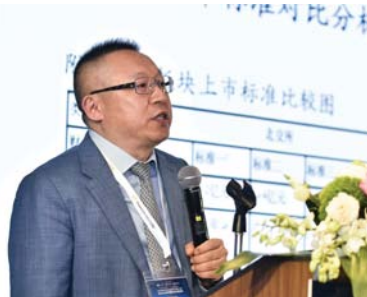
在投资方面，刘灏先生指出，与传统意义上的投资机构不同，小米秉承“主业协同、财务投资”的双驱动投资原则。小米会选择与公司价值观相符的团队，借助成熟企业的丰富资源支持相关创业团队聚焦主业、提升产品，以实现快速成长。从小米法务角度看，秉承“帮忙不添乱”的原则、支持、尊重并协助创业团队发展是关键。

在与小米战投部门合作的过程中，法务更多从宏观角度出发，对投资项目落地、风险判断与收益平衡进行全面考量，从而帮助企业实现利益最大化。企业法务需要培养前瞻性、敏感度，以及快速处理风险的能力。

胡阳潇潇随后就上市后合规的



Zhang Ligu, Chief Partner,
Grandway Law Offices
国枫律师事务所首席合伙人张利国律师



Yan Keping, Director, Senior Partner,
Hai Run Law Firm
海润天睿律师事务所主任、高级合伙人颜克兵律师



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Zhang Guoguang, Member of Management
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浩天律师事务所管委会委员、
高级合伙人张国光律师



Form left: Hu Yangxiaoxiao, ALB China Editor,
Thomson Reuters; Allen Liu, Joint Company
Secretary and Legal Director, Xiaomi Corporation
从左到右: 汤森路透ALB中国区法律编辑胡阳潇潇、
小米集团联席公司秘书及法务总监刘灏先生

热点话题进行提问。刘灏先生说，公司治理的重要性不言而喻，而企业文化更是贯穿公司发展始终。对于使命、愿景、价值观的注重能够确保公司在高速发展过程中不偏离赛道。其次，ESG也是市场热点关注话题，刘先生建议企业从自身实际出发，弥补短板、发挥长处，加强ESG披露，更好地帮助投资者了解自身，并最

终吸引投资。

最后，胡阳潇潇请刘灏先生分享对于近期境内外资本市场规则变化的理解，以及对企业法务的建议。刘先生指出，境内资本市场规则的不断完善给予企业更多选择，企业决策应伴随规则的清晰而逐渐明了。同时，数据合规、个人隐私保护、ESG也是拟上市企业需要考虑的关键问题。企

业法务秉承尊重的态度、过硬的专业素养，从商业化角度判断问题，方能为企业提供更好的支持。

在与会者热烈的掌声中，本届ALB中国资本市场论坛在热烈的氛围中圆满落幕，并受到了与会嘉宾们的广泛好评。真诚感谢各位嘉宾的莅临，期待在下一次的ALB活动中与您相见！

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Grandway Law Offices

Founded in 1994, Grandway Law Offices ("Grandway") has developed into a large leading and highly specialized law firm in China during the past two decades.

Grandway, headquartered in Beijing, has branch offices in Shanghai, Shenzhen, Chengdu, Xi'an and Hong Kong, and currently employs more than 500 lawyers and professionals. Grandway emphasizes professional service quality, with its professional competence being not only demonstrated by the experience of providing a whole process of legal service in many areas under the specialized division of work, but also being embodied by the overall customized legal support provided by the comprehensive legal service for clients.

Practice Areas: Securities and Capital Markets, Dispute Resolution, Real Estate and Construction, Cross-border Investment and M&A, Intellectual Property, Banking and Financing, Bankruptcy Recombination, Taxation, etc.

Hai Run Law Firm

Hai Run Law Firm was founded in 1997. With more than 550 employees, the firm is specialized in 14 areas, especially in capital markets, insolvency and restructuring, entertainment and media, banking and financing, and asset management.



With high quality services, the firm is highly recognized by clients across all major industries. Renowned for their intellectual rigor, professionals of the firm draw on deep experience and knowledge to provide premier, tailored, and innovative solutions to clients, and help clients navigate markets, grasp opportunities, and comply with increasingly complex requirements.

Hylands Law Firm

Hylands Law Firm can trace its roots, known as Haotian Law Firm, back to 1997. Based in Beijing, Hylands serves clients through an Intellectual Property Agency and a nationwide network of 27 offices: Shanghai, Guangzhou, Shenzhen, Nanjing, Hangzhou, Chongqing, Chengdu, Guiyang, Changsha, Jinan, Hefei, etc. By joining TerraLex, Hylands has collaborated with over 150 law firms across more than 130 countries and regions, providing clients with round-the-clock legal services in a broad array of industries.

Hylands has more than 400 partners and counsels, as well as over 1,000 lawyers and professionals. Equipped with exceptional skills, extensive experience, and collegial culture, Hylands lawyers always deliver tailored solutions, constantly exceeding client expectations.



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ALB CHINA REGIONAL LAW AWARDS 2022: EAST CHINA

ALB中国区域市场法律大奖：华东地区

19 AUGUST - SHANGHAI 8月19日 - 上海

The nomination is opening for the ALB China Regional Law Awards 2022: East China, with the winners being announced in a gala ceremony in Shanghai on Friday 19th August 2022. ALB would like to invite you to join the awards, not only to establish competitive networks, but also to showcase your expertise and leading position in the legal community.

Nominate your own law firm, in-house team or other teams that you have worked with in the past, for one or more of the 23 categories we will be presenting on the awards night.

2022 ALB中国区域市场法律大奖：华东正在接受提名，这些象征着华东地区法律市场领先地位的奖项最终花落谁家，将于2022年8月19日（星期五）在上海举行的颁奖盛典上一一公布。

ALB诚邀华东地区的法律从业者参与到本次活动中，展示您及团队的专业程度与领先地位，并帮助您建立极具竞争力的人脉资源。此次大奖，可以提名自己的团队、或者提名在过去一年中与您有工作交集的其它组织或团队，去赢得23个奖项中的一个或多个奖项

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2022 ALB CHINA
**ALB HAN KUN
COMMERCIAL DISPUTE
RESOLUTION FORUM 2022**
ALB汉坤商事争议解决论坛

2022年6月17日 - 北京

17 JUNE 2022 - BEIJING

2022年, 在世界经济发展放缓、中国经济结构调整、叠加国内外疫情的影响的大背景下, 企业面临着更为复杂和严峻的风险和挑战。从不良资产处置到办理破产事务, 从面对私募基金纠纷到公司控制权纠纷……如何有效应对疫情之下的商事争议纠纷, 成为众多企业法律相关人士关注的重点。

基于此, ALB将携手汉坤律师事务所共同举办“2022 ALB汉坤商事争议解决论坛”, 于6月17日在北京为业界人士带来一场商事争议解决领域的思想盛宴。汉坤律师事务所经验丰富的法律专家们, 将从以上四大主题入手, 就企业面临的争议解决核心问题与参会者进行充分的交流与探讨, 帮助企业积极应对新形势下的商事争议纠纷, 及时甄别和防范风险, 并提供多元化、全方位的解决方案。

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