



# QIAN LUO

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## PRACTICE AREA

MR. LUO SPECIALIZES IN COMMERCIAL ADMINISTRATIVE LAW AND COMMERCIAL DISPUTE RESOLUTION. HE IS CURRENTLY ONE OF THE LEAD PARTNERS FOR FANGDA'S COMMERCIAL ADMINISTRATIVE LAW TEAM. HE HAS EXTENSIVE EXPERIENCE ADVISING ON LAW ENFORCEMENT RESPONSE AS WELL AS ON ADMINISTRATIVE RECONSIDERATION AND LITIGATION PROCEEDINGS INVOLVING MARKET REGULATION, FINANCIAL REGULATION, ENVIRONMENTAL PROTECTION, AND LAND PLANNING.

## Education

- Shanghai Institute of Foreign Trade, LL.B.
- Fudan University, LL.M. (major in Civil and Business Law)

## Professional Qualification

- Admitted to practice in the PRC

As one of the few law firms in the market that has assembled firmwide resources to create a professional commercial administrative law team, Fangda is committed to providing comprehensive and high-quality administrative law services to global commercial entities. Mr. Luo excels at and demonstrates a collaborative mindset in handling complex administrative disputes, effectively maintaining government-enterprise relations while vigorously safeguarding client rights and interests.

Mr. Luo also has extensive experience in handling civil and commercial disputes involving company law, contract law, tort law, etc. He is particularly skilled in handling complex civil and commercial disputes and civil-administrative law cases, employing administrative law perspectives and strategies to help clients gain an advantage.

Mr. Luo has been named a recommended lawyer by the Legal 500 China Mainland Rankings and a "Rising Star" for litigation by the Legal 500 China Legal Awards in December 2023.

## REPRESENTATIVE MATTERS AND CASES

### Commercial Administrative Law (Administrative Investigation and Consultation)

- Obtained for numerous well-known domestic and international enterprises favorable outcomes in hundreds of cases involving terminations, case dismissals, non-penalty agreements, and penalty reductions in response to investigations by local market regulatory authorities into illegal advertising and publicity, unfair competition, and consumer rights infringement, mostly involving professional informants or "insider" reporting
- Advised a well-known international consumer goods company in responding to complex investigations conducted by different local market regulatory authorities under the Advertising Law, the Anti-Unfair Competition Law, and the Product Quality Law. As a result of the client following our recommendations for retesting and consumer surveys based on a plan developed through our research on scientific testing and consumer psychology, the client achieved favorable results and avoided a PR crisis

- Obtained for numerous well-known domestic and international enterprises desirable outcomes through tailored strategies in response to administrative investigations by various local market regulatory authorities into commercial bribery, such as kickbacks and speaker fees
- Advised a well-known home appliance manufacturer in responding to investigations by multiple market regulatory authorities regarding product quality issues such as "substituting inferior products for superior ones," included organizing renowned legal and industry experts for consultation and coordinating with a professional PR team
- Advised a well-known clothing brand on avoiding severe penalties as a result of an administrative penalty investigation by the local market regulatory authority regarding alleged violations in the clothing brand's product labels
- Advised a well-known international pharmaceutical company in responding to an administrative investigation by the municipal drug regulatory authority for violating medical device management regulations, assisted the company in successfully addressing the sales and potential PR crisis triggered by the investigation, and guided the company in establishing mutual trust with various regulatory authorities through visits by responsible persons and other means
- Acted for multiple well-known domestic and international enterprises and filed reports and complaints with the market supervision authorities regarding competitors engaging in illegal advertisements, false publicity, and defamation, included complex cases with borderline violations disguised as public service advertisements and popular science articles
- Provided professional consultations, trainings, and advertising and product label reviews for well-known domestic and international enterprises, with topics broadly covering advertising law, product quality law, food safety law, anti-unfair competition law, and consumer rights protection law, and specifically addressing in-depth risk analysis based on extensive administrative investigation and case handling experience and proposing professional, practical, and innovative solutions
- Advised a multinational bank in an investigation by the China Securities Regulatory Commission and the China Financial Futures Exchange into violations of hedging regulations and quota management
- Represented a financial practitioner in hearings and in applying for the voluntary commitment mechanism in connection with an investigation by the China Securities Regulatory Commission into a violation of the "slow-walk rule"
- Advised a private entrepreneur in petitioning the China Banking Regulatory Commission and its subordinate institutions regarding a bank's failure to pay tens of millions of renminbi in wealth management funds
- Advised a renowned international hotel management group on administrative investigations and penalty decisions by multiple departments including the National Tourism Administration, the Shanghai Public Security Bureau, the Cyberspace Administration, and the Market Supervision Administration
- Advised a well-known innovative enterprise on an administrative investigation into a severe fire involving the enterprise's business partner
- Advised a factory-complex owner on an administrative investigation by the fire department into a severe fire incident
- Advised a well-known auto parts company on administrative investigations by environmental authorities concerning air and water pollution
- Advised a well-known precision instrument manufacturer on an administrative investigation and hearing by the water management department into a sewage discharge
- Advised multiple domestic enterprises on demolishing illegal buildings
- Advised a well-known computer manufacturer on reporting illegal project affiliation and illegal project subcontracting to the housing and construction department

### **Commercial Administrative Law (Reconsideration and Litigation)**

- Advised a large, third-party real estate development enterprise on successfully reversing an administrative

decision revoking a construction project planning permit

- Advised a globally renowned retailer on an administrative reconsideration procedure to successfully revoke an administrative penalty imposed by the Beijing Chaoyang District Food and Drug Administration
- Represented a well-known foreign-funded hospital in an administrative reconsideration it initiated against a municipal market administrative bureau for refusing to process the change of legal representative registration. As a result of our engaging nationally renowned legal experts, the client achieved a successful result through mediation organized by the administrative reconsideration body
- Advised a private entrepreneur on initiating an administrative lawsuit against a Shanghai market administrative bureau for its pattern of exceeding its authority in reviewing registrations and filings
- Advised a well-known international pharmaceutical company on achieving a desirable outcome in both the first instance and the second instance administrative lawsuits involving a professional whistleblower who reported inaction by the Medical Products Administration
- Advised a private entrepreneur on successfully preventing land from being illegally restricted by initiating two administrative lawsuits against a local Zhejiang township and a development zone administrative committee and by using court-organized mediation
- Advised domestic and foreign enterprises on successfully filing required information disclosures to various government departments and public institutions, involving complex issues such as special entity disclosures and special information disclosures
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### **Commercial Dispute Resolution**

- Advised the Hong Kong shareholder of a large commercial real estate project company in its dispute with the Chinese state-owned shareholder over company control, and participated in multiple lawsuits arising from the dispute, including shareholder derivative lawsuits, direct shareholder lawsuits, and lawsuits demanding the Chinese shareholder provide loans worth several hundred million renminbi
- Advised a well-known international luxury goods company in handling shareholder disputes in a joint venture. As a result of our preserving the joint venture's books through pre-litigation preservation measures, the company reached a comprehensive settlement with the shareholders, resolving a complex shareholder dispute that had lasted for more than 10 years
- Advised well-known domestic and international enterprises on litigation, arbitration, and special procedures for realizing security interests to address disputes related to equity transfer contracts, capital increase contracts, sales contracts, distribution contracts, lease contracts, loan contracts, and guarantee contracts
- Represented a private enterprise in obtaining favorable judgments and determinations despite evidentiary disadvantages in equity transfer and shareholder loan litigation arising from the private enterprise acquiring equity in a project company, involved complex issues such as breach of ancillary obligations and whether a debt-assumption equity transfer can be established
- Represented a well-known state-owned enterprise in an enforcement objection lawsuit over the denial of corporate personality, involved issues such as the trial scope in an enforcement objection procedure, the standard of proof, and the impact of the centralized fund management system on piercing the corporate veil
- Advised a well-known software development company on lawsuits arising from a director's breach of non-compete obligations
- Advised a company listed on the Shenzhen Stock Exchange on handling arbitration over a cash compensation-based VAM clause with an invested enterprise, including enforcement and non-enforcement procedures, as well as on handling the resulting judicial dissolution litigation, shareholder derivative litigation (including judicial audit), and litigation on the revocation of creditor rights
- Represented various well-known domestic and foreign enterprises including investors and financiers in arbitration and litigation over VAM clauses
- Advised a well-known fund custodian on arbitrating fund contract disputes before multiple arbitration

institutions, involved complex issues such as custodian investment supervision, information disclosure, and net value review; and assisted the custodian in crisis management for multiple incidents where investors claimed compensation

- Advised multiple large state-owned enterprises on "financing trade" contract disputes worth hundreds of millions to billions of renminbi and often involving contract fraud and other criminal offenses
- Advised a large investment institution on litigation involving the termination of cooperation contracts and asset acquisition contracts worth several hundred million renminbi, and the related enforcement procedures
- Represented a private enterprise in seeking claim compensation for its fire losses and in responding to the insurance company's subrogation claim. As a result of our novel arguments, the court was persuaded to issue a key ruling favoring the enterprise, which directly led to a comprehensive settlement
- Advised a well-known domestic internet company on handling its defamation lawsuit with a writer
- Advised a well-known international consulting company on responding to multiple investor claims arising from a fundraising fraud case
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### **Civil and Administrative Law**

- Advised the actual controller of a family – owned real-estate enterprise on initiating and responding to corporate control disputes involving civil lawsuits, registrations and filings, administrative reconsideration, administrative litigation, criminal cases, etc. This included initiating administrative reconsideration and administrative litigation in more than 10 cases to successfully revoke changes made by the AMR and various district bureaus in the enterprise's company registrations and filings and obtained orders for the AMR and the various district bureaus to re-register and refile the originals
- Represented a domestic private equity fund in litigating an investment dispute over a high-tech project with a target amount of CNY 10 billion, included litigation over corporate resolution validity, shareholder's infringement, and contract termination. Additionally, assisted the project company in successfully completing the change of legal representative registration even without an official seal and helped the client obtain a highly complex yet comprehensive settlement
- Advised a large group with a Hong Kong and Macau background on control and other related disputes involving complex company registration filings and company takeover issues in more than 10 real estate and property companies in Tianjin, Guangzhou, Zhuhai, etc.
- Represented a guarantor in successfully safeguarding its rights and interests in a civil lawsuit in which the guarantor reported a financial institution's criminal activities and illegal financial activities
- Advising well-known domestic and international enterprises on comprehensive and strategic responses to consumer and professional counterfeiter claims and lawsuits that expose the enterprises to significant PR risks and involve administrative investigations by consumer associations and market regulatory authorities
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### **Publications/Articles**

- As one of three Chinese experts, deeply involved in the ICC's revision of the advertising marketing guidelines
- Invited for three consecutive years (2022–2024) to author the section on Chinese pharmaceutical advertising law and practice for Chambers
- At the invitation of The Legal 500, authored the 2024 China Advertising Law Q&A
- Author, "When 'Guarantee' Encounters 'Bankruptcy' Series Review: Can the Guarantor Obtain Preferential Repayment Conditions Due to the Debtor's Bankruptcy? (pt. 1)," Dispute Resolution Review WeChat Public Account, June 30, 2017, later reprinted by China Bankruptcy Law Demonstration
- Author, "When 'Guarantee' Encounters 'Bankruptcy' Series Review: Should the Guarantor Bear the Interest on the Creditor's Rights Arising After the Acceptance Date of the Principal Debtor's Bankruptcy Application? (pt.

2)," Dispute Resolution Review WeChat Public Account, August 24, 2017, later reprinted by China Bankruptcy Law Demonstration

- Author, "The Validity and Enforceability of Bet-on Agreements," Dispute Resolution Review WeChat Official Account, August 20, 2019
- Author, "Detailed Discussion on Advertising Law: Difficult Issues in Law Enforcement Practice," Fangda WeChat Official Account, March 12, 2020
- Author, "Defamation, Freedom of Speech, and Duty of Care — Analysis of Articles 1025 and 1026 of the Civil Code," Fangda WeChat Official Account, June 22, 2020
- Author, "Revisiting the Advertising Law Series: Discussing the Application of Advertising Law in the New Media Era (pts. 1 & 2)," Fangda WeChat Official Account, July 18, 2022 and August 23, 2022
- Author, "Revisiting the Advertising Law Series: Analyzing the Identification of Advertisers and the Issue of Liability in Complex Scenarios," Fangda WeChat Official Account, December 13, 2022
- Author, "Revisiting the Advertising Law Series: Absolute Terms and False Advertising," Fangda WeChat Official Account, February 22, 2023
- Author, "Re-reading the Advertising Law Series: In-depth Interpretation of the Law Enforcement Guide for Absolute Terms in Advertising," Fangda WeChat Official Account, March 21, 2023
- Author, "Revisiting the Advertising Law Series: Analysis of the Requirements for Determining Advertising Endorsements and Issues With Celebrity Endorsements," Fangda WeChat Official Account, May 4, 2023
- Author, "Re-reading the Advertising Law Series: Exploring Several Difficult and Cutting-edge Issues of the Advertising Endorsement System," Fangda WeChat Official Account, September 14, 2023
- Author, "Main Channel for Resolving Administrative Disputes: Analysis of Key Points in the Revision of the Administrative Reconsideration Law," Fangda WeChat Official Account, September 20, 2023
- Author, "Focusing on Commercial Administrative Law: Strengthening of Operators' Obligations From the Perspective of the Implementation Regulations of the Consumer Protection Law (Part I)," Fangda WeChat Official Account, July 12, 2024
- Author, "Focusing on Commercial Administrative Law: Strengthening of Operators' Obligations From the Perspective of the Implementation Regulations of the Consumer Protection Law (Part II)," Fangda WeChat Official Account, August 12, 2024
- Author, "Old Tree, New Branches: Analysis of False Advertising Clauses in the Interim Provisions on Network Anti-unfair Competition," Fangda WeChat Public Account, September 19, 2024

### **Honors and Awards**

- Recommended Lawyer, The Legal 500 Mainland China
  - Rising Star in Litigation Business, Legal 500 China Awards, 2023
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