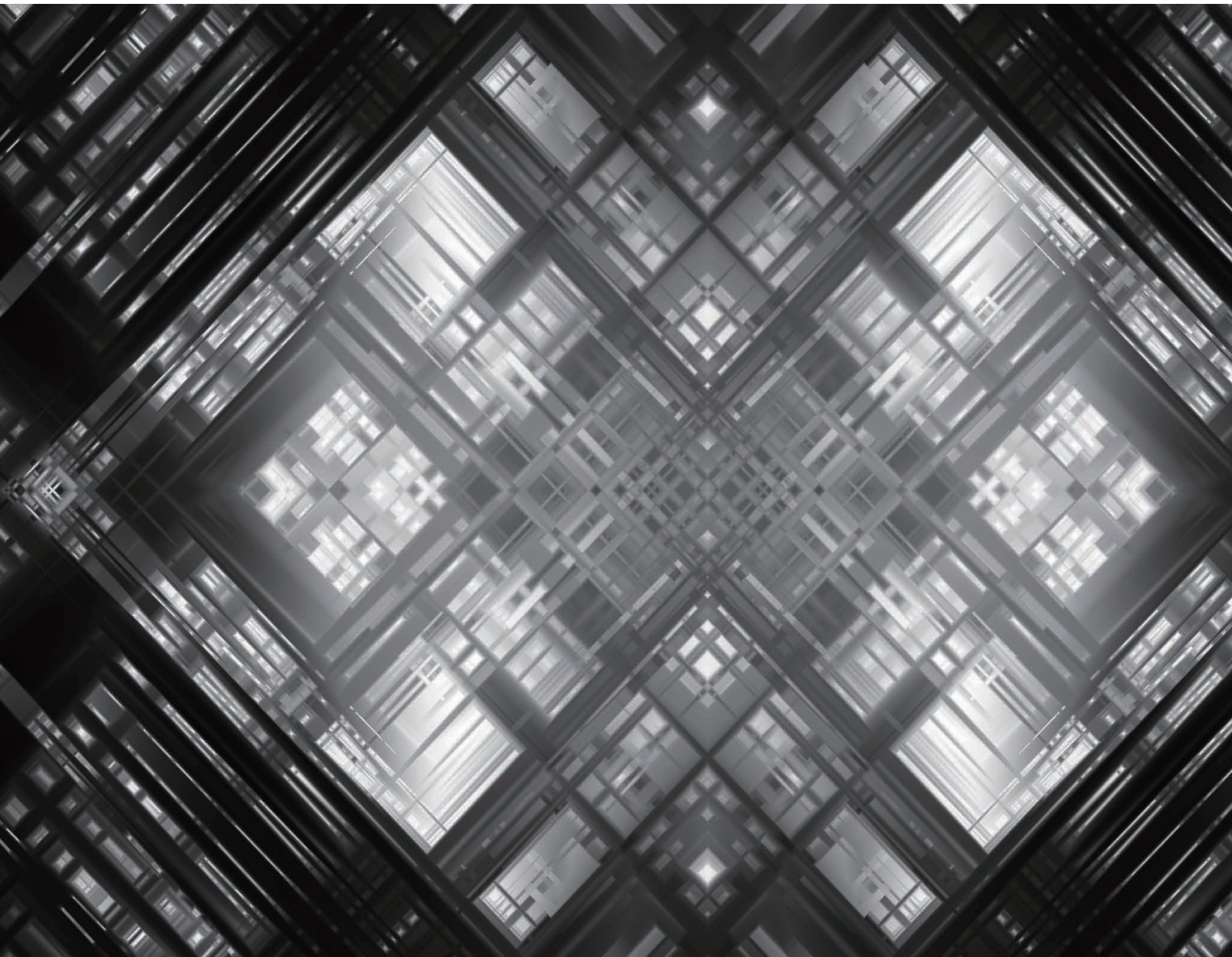




Dispute Resolution

A leading international and China dispute resolution team covering the Mainland, Hong Kong and beyond.



Dispute resolution is one of the firm's cornerstone practices.

Our Dispute Resolution group comprises more than 40 partners and 170 counsels and associates in our offices in Beijing, Guangzhou, Hong Kong, Shanghai and Shenzhen.

Our team is one of the largest and the most diverse dispute resolution practices in the Greater China legal market. Our team members operate in Chinese (simplified and traditional), English, French, German, Spanish, Russian, and other languages. They are admitted – in addition to China and Hong Kong – in a number of other jurisdictions, including England and Wales, New York, and Russia.

We represent clients in trials at courts in Mainland China and Hong Kong, before administrative tribunals and in arbitrations, as well as in other dispute resolution proceedings, including mediation and conciliation. Where necessary, our team members co-counsel with international teams on cross-jurisdictional matters, including treaty arbitrations, recovery matters, and international arbitration proceedings.

Our clients include major Chinese companies, both state-owned and privately-owned, as well as large multinationals often from the US but also from the EU and other global markets. Our clients trust our teams with their critical trials and arbitrations, investigations, regulatory proceedings, and investment protection matters.

Our dispute resolution lawyers work in integrated teams with our transactional lawyers in specialist groups, drawing on Fangda's longstanding expertise in corporate, finance, trade, and investment law. We have in-depth knowledge of numerous industries, including banking, energy, financial services, healthcare, manufacturing, media, pharmaceutical, real estate, retail, technology, mining and natural resources, and telecommunications.

For more details, including biographies, please visit our website: www.fangdalaw.com.

We have handled some of the largest and most high-profile cases in recent years, earning a reputation as a go-to firm to assist clients to resolve their disputes. Our strengths have been widely recognized, including recently:



Dispute Resolution (PRC Firms) - Band 1
Chambers Asia-Pacific (2020)



Dispute Resolution (PRC Firms) – Tier 1
Legal 500 Asia Pacific (2020)



Dispute Resolution - Outstanding
Asia Law Profiles (2020)



Intellectual Property: Litigation (PRC Firms) - Band 1
Chambers Asia-Pacific (2020)



Restructuring/Insolvency (PRC Firms) – Band 1
Chambers Asia-Pacific (2020)



Corporate Investigations/Anti-Corruption (PRC Firms) - Band 1
Chambers Asia-Pacific (2020)

Litigation

We manage cases at every stage of the litigation life cycle. We aim to achieve optimal results for our clients and contribute to shaping various areas of law.

Our litigators are renowned for their ability to analyze complex legal issues in disputes, to frame effective and compelling arguments, and for their strong advocacy skills. They work seamlessly with our lawyers in specialist groups in complex commercial cases in a wide range of industries. We aim to achieve optimal results for our clients to help them resolve their disputes by delivering cost-effective, pragmatic and, where required, novel solutions that best suit their business needs.

We argue cases at all court levels

- We argue cases at all levels of the judicial hierarchy, from basic courts to the Supreme People's Court in Mainland China, as well before district courts, the High Court and the Court of Final Appeal in Hong Kong.
- We have experienced litigators in each of our five offices and cooperate closely with the leading regional firms in other major Chinese cities (including Chongqing, Chengdu, Changsha, Guiyang, Xi'an, Suzhou and Ningbo) ensuring that we offer our clients comprehensive coverage in any Mainland China-related dispute.
- We assist Chinese companies in parallel litigation and complex offshore legal actions, as well as in cross-border legal proceedings through our global network with leading firms in other jurisdictions.

We argue the law, we shape the law

- Our partners have been invited as experts to participate in legislative drafting in key areas of the law: the *Compulsory Enforcement Law*, the *Civil Procedure Law*, the *Law on Choice of Law for Foreign-related Civil Relationships*, and in a series of judicial interpretations.
- We maintain constructive long-term professional connections and communications with key legislative, administrative and judicial authorities.

Cross-border disputes

We are well-known for our strength in assisting clients in resolving cross-border disputes. Many of our dispute resolution specialists hail from both the common law and civil law traditions and speak more than one language. We regularly work side-by-side with multinational clients and foreign counsel to investigate potential misconduct, deal with regulatory authorities in multiple jurisdictions, address investment protection issues, and devise strategies for remedial action.

Inbound disputes

We regularly represent international clients in proceedings in both Mainland China and Hong Kong. Major international companies and financial institutions turn to us to handle commercial disputes, civil and criminal court proceedings, arbitrations, internal investigations and enforcement actions.

Outbound disputes

We regularly represent major Chinese companies in cross-border disputes by advising them on the most effective strategies for resolving disputes and managing many litigation or arbitrations as lead coordinating counsel across multiple jurisdictions.



Arbitration

We are active in both domestic and international arbitrations.

We have extensive experience in domestic arbitration proceedings in all major cities in China. In addition, our lawyers have decades of experience as counsel, legal experts and arbitrators in disputes under major international arbitration rules, including:

- International Chamber of Commerce (ICC)
- China International Economic and Trade Arbitration Commission (CIETAC)
- Hong Kong International Arbitration Center (HKIAC)
- Singapore International Arbitration Center (SIAC)
- Shanghai International Arbitration Center (Shanghai International Economic and Trade Arbitration Commission)
- Shenzhen Court of International Arbitration (Shenzhen Arbitration Commission)
- UNCITRAL Arbitration Rules

Our arbitration lawyers practice Chinese law, Hong Kong law, English law and Russian law, as well as being qualified in a number of other jurisdictions around the world. We routinely handle cross-border commercial disputes arising from a wide range of commercial contracts, including those relating to mergers and acquisitions, joint ventures, construction and engineering contracts, and IP licensing.

We also have significant experience in investment arbitrations, advising clients on investor-state disputes under either bilateral or multilateral investment treaties, free trade agreements, investment contracts, and other legal instruments.

Contentious Regulatory Work

We assist multinationals and major Chinese companies with regulatory enforcement in China.

Proactive approach

We are one of the few Chinese firms that has a dedicated contentious regulatory practice, with regulatory lawyers acting for clients in both internal and regulatory investigations in Mainland China and in Hong Kong. Our specialist contentious regulatory and corporate compliance lawyers are an integral part of our Dispute Resolution group.

We have represented clients in some of the most complex and strategically important regulatory investigations across numerous sectors. These matters raise significant reputational risks for companies and individuals, as well as exposure to civil, criminal and administrative sanctions.

What we offer

Our contentious regulatory team advises clients on the full range of issues that are likely to affect them, including:

- Advice on dealing with regulators at all stages of the investigation process
- Defense in regulatory proceedings
- Representation in judicial review and administrative litigation
- Advice on voluntary disclosure and application for leniency programs
- Corporate internal investigations
- Compliance risk management (including formulation of compliance policies and rules)

Our experience

Our regulatory team has considerable experience in all the areas that are subject to close regulatory scrutiny, including:

- **Anti-bribery:** We have specialist investigation and litigation lawyers who advise on regulatory proceedings and investigations concerning commercial bribery and corruption.
- **Antitrust/competition:** We have considerable experience in representing multinationals in actions taken against them by China's antitrust authorities. We are well positioned to advise clients in antitrust and competition matters in Hong Kong, where the antitrust authority is increasingly active. We can guide clients through this new and complex developing area of the law.
- **Securities:** We have experience in defending companies and individuals in regulatory investigations and litigation relating to securities law violations, including insider trading, market manipulation and fraudulent disclosure.
- **State secrecy and data privacy:** Our teams have handled some of the most high-profile and sensitive state secrecy and data privacy reviews over the course of many years and have developed accepted protocols for companies to handle information or data that may raise state secrecy or privacy concerns.

Highlights of Our Practice Areas

We advise clients in disputes in a wide range of industries and in various practice areas.

Antitrust and Competition

As one of the leading and largest antitrust practices in Mainland China, we have been involved in many widely reported investigations and parallel civil proceedings in relation to alleged market collusion and abuse of dominance. We have been involved in some groundbreaking antitrust and competition matters. For example, we acted for a foreign IP owner in the first fair, reasonable, and non-discriminatory (FRAND) case in Mainland China.

We also have a strong team of international lawyers in Hong Kong with experience at the cutting edge of antitrust litigation in the UK and EU who are able to assist as and when civil or regulatory procedures arise.

Bankruptcy and Restructuring

We are widely recognized as one of the premier law firms for insolvency and restructuring. We act as China counsel in large cross-border insolvency and restructuring cases, and advise investors, creditors, financial institutions, directors and owners in significant bankruptcy cases. Members of our bankruptcy practice are often chosen as administrators in bankruptcy proceedings.

Commercial Contracts

We regularly represent clients in high-stakes commercial disputes and contract litigation and arbitration. Our lawyers draw on extensive trial experience to develop effective strategies for dispute resolution, whether that be adjudicated or negotiated, that are in clients' best interests. With our sound understanding of the legal position, we always focus on the underlying business interests of the parties to execute litigation, arbitration or alternative dispute resolution strategies that optimize the benefits to our clients of any resolution.

Corporate Disputes

We are experienced in handling complex and often high-profile shareholding and partnership-related disputes arising in various contexts, ranging from private equity, venture capital and industry M&A, domestic and cross-border investment, corporate governance and control, joint venture, squeeze-outs, exit of directors and shareholders, compulsory winding-up and liquidation, to challenges arising from family issues.

Our clients include multinational corporations, major financial institutions, governmental authorities, and high net worth individuals. We have strong relationships with leading local counsel in many jurisdictions ensuring we deliver comprehensive coverage in cross-border investment and shareholder dispute resolutions.

Employment

We have proven experience in representing clients in all types of labor dispute arbitration and litigation cases, including wrongful termination, non-compete clauses, cancellation of incentives or bonuses and work-related injuries, across China.

Environmental Litigation

We are one of the few firms with first-hand experience in environmental disputes in China and have been at the forefront of China environmental litigation. We have experience in advising major industrial companies in disputes and regulatory investigations relating to waste disposal, oil spills, air pollution and water contamination. In addition to representing clients in ordinary civil claims, we represented the defendant in the first environmental public interest litigation in China.

Family

Our lawyers handle all aspects of family law, especially cases involving complex corporate structures, trust arrangements or cross-border elements. We deliver high-quality legal representation and a personalized service to high net worth individuals and families. We are committed to working closely with our clients in family-related disputes and achieving ideal results.

Financial Disputes

With our offices based in China's financial hubs, we frequently represent many of the largest financial institutions in banking, securities, insurance, trust, assets management and other sectors to advise on financial disputes involving novel financial instruments and complex regulatory elements.

Intellectual Property Litigation

Our lawyers are adept at assisting companies to protect their intellectual property (IP) in China. We have represented IP owners in some of the most significant IP trials in China. For every five lawyers in our Dispute Resolution practice, four have degrees in either sciences or engineering. This means we quickly learn even the most complex technologies and explain them in simple terms to judges that do not have technical backgrounds.

Investment Protection

We were the first Chinese law firm to start a dedicated investment protection practice. We advise clients on structuring their investments in challenging jurisdictions and we offer tailored solutions when investment protection issues arise. Members of our investment protection team have acted in numerous investor-state arbitrations both on the investor- and the host-state side.

Product Liability

We regularly advise high-profile industrial manufacturers in a wide array of industries, including automobiles, computing, toys, textiles, pharmaceuticals and food in their high-stakes product liability disputes in China. Our lawyers combine sophisticated experience in handling product liability disputes with insights in relation to cutting-edge technology.

Professional Liability

We represent accountants, lawyers, investment bankers, advisors and other professionals in various professional indemnity claims. We have unrivaled experience in representing accounting firms in investigations before various regulatory bodies as well as in professional liability litigation.

Real Estate and Construction

We are well-recognized experts in construction and real estate law. We have experience of representing both owners and contractors in construction-related litigation, arbitration and enforcement proceedings. We are highly experienced in addressing issues relating to disputes arising from real estate M&A transactions, real estate lease and transfer, and other types of complicated disputes in real estate and construction.

Securities Litigation

We provide superior legal representation to public companies, financial institutions and individuals in securities cases, including shareholder derivative actions, litigation relating to fraudulent disclosure and misrepresentations and enforcement actions by the securities regulators in both Mainland China and Hong Kong.

White-collar Criminal Defense

We are one of the few PRC leading firms to have a dedicated white-collar criminal defense practice. We represent companies and individuals in high-profile and complex white-collar criminal defense matters, as well as regulatory enforcement. We have represented clients in major enforcement initiatives, ranging from commercial bribery, fraud and insider trading to market manipulation and anti-money laundering.

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