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**ALBERT WAI-KIT CHAN, PH.D., J.D.**  
Biographical Information

陈伟杰博士是美国纽约陈伟杰律师事务所的合伙人。曾为科学家的他将其在分子生物学领域的知识与生物技术产业自 80 年代后期不断涌现的对法律服务的需求相结合。陈博士精通知识产权法的各个领域（包括技术转让、专利、商标、版权，商业交易和商业秘密），并尤其擅长生物技术领域的专利。他熟悉专利申请及诉讼的各个环节，同时对涉及知识产权的许可证、技术转让以及对知识产权组合的市场价值评估具有丰富的经验。陈博士与众多美国本土及国际企业具有广泛合作。他曾协助众多科学家和发明家取得知识产权保护，从而令他们在各自的领域更具竞争力。陈博士的客户包括诸多发明家，新兴科技企业，及著名研究机构。

陈博士经常参与在中国的技术发展项目，其中包括促使东西方企业之间成立合资企业，签订合同及协助客户构建知识产权组合。针对那些旨在扩大在华业务的客户，陈博士在提供专利申请服务的同时，更提供了同样重要的专利执法服务。他亦对客户的知识产权进行分析及评估，以确定其保护范围。

在 1996-2013 年期间，陈博士曾在纽约市立大学法学院 兼任法学教授。他任教的课程包括知识产权法、专利法、技术转让、互联网与法律、食品和药品法以及国际商法。陈博士目前在香港中文大学生命科学学院兼任副教授，在香港理工大学健康科学与信息系兼任教授。陈博士亦活跃于包括“中美知识产权协会”在内的诸多法律组织。他创建并曾担任美中律师协会的主席。

陈博士在美国纽约哥伦比亚大学取得法学博士学位。在此之前，他在得克萨斯州休斯敦贝勒医学院取得病毒学博士学位，并在纽约州冷泉港实验室作为美国癌症协会的博士后研究员接受培训。陈博士在香港出生，成长，并在香港中文大学获得学士学位。

Dr. Albert Wai-Kit Chan is the Managing Partner of the Law Offices of Albert Wai-Kit Chan, PLLC. He is a former research scientist who forged his legal career by combining his training as a molecular biologist with the emerging legal needs of the biotechnology industry in the late 1980s. Dr. Chan handles all areas of intellectual property law (including technology transfer, patents, trademarks, copyrights, business transactions, and trade secrets), and his specialty is biotechnology patents. He is well-versed in all aspects of prosecution and litigation and is experienced in licensing, technology transfer and the evaluation of intellectual property portfolios. Dr. Chan works extensively with both U.S. and international companies. He has helped scores of scientists and inventors obtain the intellectual property protection they need to be competitive in their fields. His clients range from individual inventors to up-and-coming companies to well-established prestigious research institutes.

Dr. Chan has been frequently involved in transactional work in China, which includes facilitating joint ventures and contracts between East and West companies and building up clients' intellectual property portfolios. For those clients looking to expand their business in China, he has not only provided patent procurement services but also, equally important, patent enforcement. He has performed analysis and evaluation of clients' intellectual property to determine the scope and securement of the protection of their intellectual property.

From 1996 through 2013, Dr. Chan taught as an adjunct professor of law at The City University of New York School of Law. His classes included intellectual property law, patent law, technology transfer, Internet and the law, food and drug law, and international business law. He is currently adjunct associate professor in the School of Life Sciences at The Chinese University of Hong Kong and has adjunct professorship in the Department of Health Technology and Informatics at The Hong Kong Polytechnic University. Dr. Chan is active in a number of legal organizations including, among others, United States-China Intellectual Property Institute, Inc. (a New York Not-For-Profit Corporation) where he is founder and director.

Dr. Chan received his J.D. degree from Columbia University School of Law in New York. He was awarded his Ph.D. in virology at Baylor College of Medicine in Houston, Texas, and he completed his postdoctoral training at Cold Spring Harbor Laboratory in New York as an American Cancer Society postdoctoral fellow. Dr. Chan is a graduate of The Chinese University of Hong Kong, and he was born and raised in Hong Kong.

## Biography

**Prof. Christopher Gane**, Dean, Faculty of Law, The Chinese University of Hong Kong



Professor Christopher Gane was appointed Dean of the Faculty of Law in September 2011. Prior to coming to the Chinese University of Hong Kong he held the Chair of Scots Law at the University of Aberdeen where he was Dean of the Faculty of Law from 1995 to 2000. In 2004 he was appointed University Vice-Principal (Pro Vice-Chancellor) and over the next seven years was responsible for a number of strategic portfolios, including Library and Information Services, Culture and Communities and Equality and Diversity. In 2008 he was appointed Head of the College of Arts and Social Sciences (which comprises the Schools of Business; Divinity, History and Philosophy; Education; Language and Literature; Law; Social Sciences).

Prior to his appointment at Aberdeen he held academic appointments at the Universities of Reading, Edinburgh, Lancaster and Sussex. Between 1986 and 1989 he was Head of the Department of Law at the University of Lancaster. From 1991-1994 he was Director of the Centre for Legal Studies at the University of Sussex.

His research and teaching interests include domestic Criminal Law and Procedure, International Criminal Law and Human Rights. He is the author, co-author or editor of twelve books / editions and more than fifty scholarly articles and papers.

He has acted as consultant to the Scottish Executive in respect of their Human Rights obligations under the Scotland Act 1998 and the Human Rights Act 1998, as advisor to the Scottish Parliament on a number of criminal law, criminal justice and criminal procedure Bills and as advisor to the Scottish Government on European Union criminal law and procedure. He was a member of the Committee appointed by the Secretary of State for Scotland to review the Law on disposals of serious violent and serious sex offenders (the McLean Committee) and a member of the Sentencing Commission for Scotland throughout its term of appointment. He was the co-founder of the group which produced the Draft Criminal Code for Scotland, published by the Scottish Law Commission. In 1997 he was appointed an Honorary Sheriff of Grampian Highland and Islands at Aberdeen.

## Biography of Moderator

### **Prof. Jyh-An Lee**

Jyh-An Lee is an Associate Professor of Law at the Chinese University of Hong Kong, where he currently serves as the Deputy Director of the LL.B. Programme and Director of the Centre for Financial Regulation and Economic Development (CFRED) in the Faculty of Law. He holds a J.S.D. from Stanford Law School and an LL.M from Harvard Law School. Dr. Lee has extensively published in English and in Chinese on various aspects of intellectual property and Internet law. His publications appear in leading academic journals, such as Vanderbilt Journal of Entertainment and Technology Law, Cardozo Arts & Entertainment Law Review, Oregon Law Review, Minnesota Journal of Law, Science, and Technology, European Intellectual Property Review (EIPR), Hastings Business Law Journal, American University International Law Review, UMKC Law Review, Jurimetrics, Washington International Law Journal, and etc. He is also the single author of two books: Coding a Free Society: Open Source Strategies for Policymakers (VDM Verlag Müller Press, 2007) and Nonprofit Organizations and the Intellectual Commons (Edward Elgar, 2012).

During his studies at Stanford Law School, Dr. Lee was appointed as the John M. Olin Fellow in Law and Economics. Prior to joining the Chinese University of Hong, he taught at National Chengchi University and was an Associate Research Fellow in Center for Information Technology Innovation at Academia Sinica in Taiwan. He was the Legal Lead and Co-Lead of Creative Commons Taiwan (2011-2014) and an advisory committee member for Copyright Amendment in the Taiwan Intellectual Property Office (TIPO) at the Ministry of Economic Affairs (2011-2014). Professor Lee is currently a member of the advisory board of the European Center for E-Commerce & Internet Law affiliated with University of Vienna. Dr. Lee is also the Director of Academic Committee in the Asia Innovation and Intellectual Property Society. Before starting his academic career, he was a practicing lawyer in Taiwan specializing in technology and business transactions.

## Biography of Moderator

### **Dr HE, Tianxiang**

LL.B. (HQU)

LL.M. International Law (JinanU)

Ph.D., Intellectual Property Law (Maastricht)

Ph.D., Criminal Law (Renmin)

### **Assistant Professor**



Tianxiang He (China P. R. 1984) is Assistant Professor at the School of Law, City University of Hong Kong. Dr. He holds an LL.B. degree (Huaqiao University, China, 2007) and a Master degree in International Law (Jinan University, China, 2009). Dr. He received his degree of Ph.D. in IP law at Maastricht University (the Netherlands, 2016), where he was Researcher at the Department of International and European Law, and Ph.D. Fellow at Institute for Globalization and International Regulation (IGIR), and another Ph.D. degree in Criminal Law at Renmin University of China (2017).

From August 2012 to July 2013, Dr. He worked in the Research Center of for the Legal Systems of Intellectual Property of Waseda University as a visiting researcher, with the Japan Foundation Fellowship on the research title of “Fansubs and Copyright Protection Levels: A case study into the ANIME Industry of Japan”, under the supervision of Prof. Takabayashi Ryu. In Europe, the Ius Commune Research School conferred to him an Honorable Mention in the Ius Commune Prize 2014.

As of 1st August 2016, Dr. He is working as Assistant Professor in School of Law, City University of Hong Kong, in which he is responsible for teaching subjects such as IP law and criminal law. Dr. He is also acting as an External Fellow in IGIR, Maastricht University.

Specialties: Copyright Law, Criminal Law, European Criminal Law, International Trade Law

## Biography of Moderator

### **Dr. David Ai**

Dr. David Ai is Director of Knowledge Transfer at the City University of Hong Kong. Prior to 2014, he worked for Stanford University's Office of Technology Licensing for six years, managing inventions while spearheading Stanford's effort to market its technologies to China.

Previously, Dr. Ai was Chief Advisor at Hitachi Corporate VC until 2006, where he scored two successful acquisitions and one IPO among the four VC investments he led.

Earlier, Dr. Ai founded an award-winning e-healthcare in Beijing. As interim CEO he secured \$6M VC investment in the first foreign-owned cancer center in Shanghai. He was VP/GM at Varian Medical (NYSE: VAR), VP of Marketing at Cirque (acquired by ALPS Japan), and Project Manager at Hewlett-Packard.

Dr. Ai received a BS in psychology (National Taiwan University), an MS in computer science (Indiana University), an MBA (Stanford), and most recently a J.D. (Santa Clara University). He is a patent attorney (California).

艾博士于 2014 年 4 月加入香港城市大学，现任知识转移处处长，并任香港城市大学深圳研究院总经理。此前艾博士于美国斯坦福大学技术授权中心服务 6 年余，并担任中国区负责人。艾博士于 2001 到 2006 年在日立公司创投部门（加州硅谷）任副总裁及首席投资顾问，之前也曾在新鸿基集团新意网风险投资基金部门任执行副总裁一年。艾博士的创业经验丰富，曾任北京南山松（健康 123 网站）创始人及 CEO，上海百瑞肿瘤 ProMed Cancer Center 首任 CEO，美国犹他州 Cirque Corporation (成功被日本 ALPS 集团收购) 市场部副总裁。艾博士并在多家科技企业担任高管工作，包括在瓦里安 Varian 医疗系统(NYSE:VAR) 任副总裁及部门总经理，以及早年在惠普公司 (H-P) 任研发项目经理等职务。艾博士在硅谷 30 余年，涵盖了科技，市场，高管，创业，风投，专利法，技术转移各方面的经验，是少见的全方位专家。

学历：

法学博士 - 美国加州圣塔克拉大学 Santa Clara University (加州注册专利律师)

M.B.A. - 美国加州，斯坦福大学

计算机硕士 - 美国印第安纳大学

心理学本科 - 台湾大学



William C.W. Lam  
Senior Partner  
Hui and Lam Solicitors LLP

林靖寰  
高级合伙人  
许林律师行有限法律責任合夥

**Professional Qualifications**

Solicitor, Hong Kong  
Solicitor, England and Wales  
China-Appointed Attesting Officer

**专业资格**

香港执业律师  
英国及韦尔斯律师  
中国委托公证人

林靖寰律师毕业于香港中文大学社会科学学士，同时拥有香港中文大学工商管理学硕士学位、英国伦敦大学法律学士荣誉学位，林律师并且拥有香港及英国律师资格。林律师曾在国际律师事务所及跨国公司任职，是香港许林律师行有限法律責任合夥创办人之一。

林律师在企业收购合并、合资企业、私募股权基金、企业及资产重组、香港公司上市及提供公司服务方面有着丰富经验，协助及处理多间公司成功在香港上市，及参与上市公司的重大资产收购项目。

Mr. William C.W. Lam holds a Bachelor's Degree of Social Science and a Master's Degree of Business Administration from The Chinese University of Hong Kong. He also holds a Bachelor's Degree of Laws from the University of London. He is now a qualified lawyer in both Hong Kong and England. Mr. Lam is one of the founders of Hui & Lam Solicitors LLP and he has had experience working in international law firm and multinational company.

Mr. Lam has rich experience in M&A, joint venture, PE funds formation, corporate restructuring and commercial legal services. He has recently handled and successfully completed IPO's for various kinds of companies in Hong Kong and has played leading roles in multi-billion M & A transactions.

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## Biography of Moderator

### **Dr. Yuanjia Hu**



Dr. Yuanjia Hu is Associate Professor of Biomedical Sciences and Programme Coordinator of Medicinal Administration in Institute of Chinese Medical Sciences, University of Macau (UM). Dr. Hu is doing multidisciplinary research in medicinal intellectual property. He established patent valuation models specific to drugs, analyzed technology innovation and transfer measured by IP, and published results in SSCI journals in economics and management fields, such as, *Technol Anal Strateg Manage*, *Chin Econ Rev*, and *Reg Stud*. On the other hand, he actively develops new pharmaceutical discovery, especially by employing modern network-based analysis approaches to research Traditional Chinese Medicines. He constructed chemical ingredients network of herbal formulae against CHD and drug-target networks, etc., and published results in SCI journals, such as, *PLoS ONE*, *Expert Opin Ther Pat*, *eCAM*, and *Hum Vaccin Immunother*. He supervised about 40 Ph.D. and master students and postdoctoral researchers, led and participated in above 10 research projects financed by European Commission, Eurasia Pacific Uninet, Ministry of Science and Technology of China, Development Research Centre of the State Council of China, the National Social Science Fund of China, and the Science and Technology Development Fund of Macao SAR, and further produced over 70 publications including peer-reviewed articles and monographs. He is also IP consultant of Baocheng Law Firm, Project Researcher in the Research Center of National Drug Policy & Ecosystem, Deputy Secretary-General and Executive Council Member in Specialty Committee on Network Pharmacology of World Federation of Chinese Medicine Societies, and Researcher in International Research Center of Medicinal Administration, Peking University. Dr. Yuanjia Hu received B.Sc. degree from China Pharmaceutical University (CPU), UM-CPU dual M.Sc degree in Medicinal administration, Ph.D. degree in Biomedical Sciences from the UM, and Guest Researcher fellowship in Austrian Institute of Technology.

## Biography of Moderator



### **Mr. Yao Deng**

邓尧律师

Chinese licensed attorney, Registered Foreign Lawyer of Hong Kong

Legal consultation expert for Guangzhou Municipal Government

Deputy Director of Continual Education Committee of Guangdong Province Lawyers Association

Former Director of the IP Committee of Guangdong Province Lawyers Association

Adjunct Professor, Lawyer School of South China Normal University

北京市立方（广州）律师事务所合伙人

广州市人民政府法律咨询专家

广东省律师协会继续教育工作委员会副主任

前广东省律师协会知识产权专业委员会主任

华南师范大学律师学院兼职教授

广东司法警官职业学院律师学院兼职教授

## Biography of Moderator

Jyh Kwang CHEN Esq. - Intellectual Property Expert of Tencent

Jyh-Kwang (Matt) Chen is an intellectual property expert at Tencent. His practice mainly focuses on the company's overseas patent-related matters, including patent litigation, licensing, transaction and negotiation. Prior to joining Tencent, Mr. Chen was a senior legal counsel at Taiwan Semiconductor Manufacturing Company (TSMC) where he had successfully defended TSMC and/or its customers in Section 337 investigations before USITC, patent litigations in U.S. district courts, inter parte reviews (IPRs) before PTAB, and also in licensing negotiations with several major patent assertion entities. Mr. Chen had also worked in two international law firms where he counseled high tech. companies in Taiwan and China in U.S. patent prosecution, litigation, licensing negotiation and portfolio management. Mr. Chen received B.S.E.E. and master of law degrees from National Taiwan Univ. and LL.M. degree from Stanford Law School.

## Biography of Moderator

### **Mr. Johnson Lam**

Johnson Lam was graduated from the University of Hong Kong and was admitted as a solicitor of the High Court of Hong Kong SAR in 2005.

Johnson specialized in the intellectual property laws. His areas of practice include the registration of trade marks, domain names, designs and patent; trade mark opposition, revocation, restoration and rectification proceedings; handling domain name disputes; enforcement actions relating to anti-counterfeiting and custom actions; assignment and licensing of intellectual property rights etc.

Johnson has also completed a Master of Laws (China Laws) co-hosted by the City University of Hong Kong and the Remin University of China

Johnson frequently gave talks in relation to IP laws in Hong Kong and China, such as The Law Society of Hong Kong delegation to Chongqing in 2012 and 2013-2015 Asia Adult Expo.

林律師畢業於香港大學，並於 2005 年獲香港高等法院確認成為律師。

林律師專門從事知識產權法律，主要負責處理不同範疇之知識產權事宜，其中包括了商標、域名、外觀設計及專利之註冊；商標註冊之反對/抗辯、撤銷、恢復及改正之訴訟程式；處理域名爭拗之訴訟程式；執行防止偽造/侵權及海關行動；以及知識產權之轉讓及許可申請等等。

林律師也已於 2009 年在北京成功完成論文答辯，並考獲由香港城市大學及中國人民大學合辦及頒授之中國法律碩士資格。

林律師亦經常穿梭中、港兩地，主講各類有關智慧財產權的講座，包括 2012 年香港律師會訪問重慶之代表團以及 2013-2015 年香港亞洲成人展等等。

## Biography of Moderator

Prof. Alice LEE – Associate Dean of Faculty of Law, University of Hong Kong

Alice Lee, Associate Professor and Associate Dean of Faculty of Law, University of Hong Kong, specializes in property law (real property/land law and intellectual property law), legal education and bilingualism. She has contributed to public discussion and consultation on law reforms and published books and book chapters on real property and intellectual property for students, teachers and practitioners. As a panel member of statutory bodies such as the Municipal Services Appeal Board and the Town Planning Appeal Board, she has heard appeals in the relevant areas. She has served on various consultative committees including the Advisory Committee on the Review of the Patent System in Hong Kong. She has also been Co-Legal Lead of Creative Commons HK since its launch in 2008.

## Biography



### **Keith Chan, Ph.D.**

Dr. Keith Chan is a pharmaceutical scientist, a regulator, a professor and an entrepreneur. He obtained his Ph.D. degree in Pharmaceutics from University of Minnesota in 1980. He is currently Senior Advisor of Cornerstone IP Foundation, Professor at the Graduate Institute of Intellectual Property and Technology Management, College of Commerce, National Chengchi University at Taiwan. He is also a Senior Research Fellow at Institute of International Intellectual Property at Beijing University Law School. He also serves as Director of International Affairs, GloboAsia LLC, Rockville, MD, USA and as advisors for several research institutes and regulatory agencies in Asia, as well as consultants for several pharmaceutical firms in Asia and in the US.

His co-founded GloboMax LLC, a drug development organization, in Hanover, Maryland in 1997 and served as consultant for numerous multi-national pharmaceutical and biotech firms in the US, Europe and Asia. GloboMax was acquired by ICON, plc in 2003 and Dr. Chan exited from the operation. He also worked for the US FDA as Division Director at the Office of Generic Drugs. He served as adjunct Professor at the School of Pharmacy, University of Maryland at Baltimore for many years and also served as Adjunct Professor and National Board of Advisor, College of Pharmacy, University of Minnesota since 1984. He also taught in Asia including National Defense Medical Center, National Yang Ming University in Taiwan and Shang Yang Pharmaceutical University in China. He worked for Ciba-Geigy Corporation in Ardsley, New York for 15 years and held various senior and management positions. He published more than 150 abstracts and research articles in peer-reviewed journals and over 200 professional presentations. He was elected as fellow of the American Association of Pharmaceutical Scientists (AAPS) in 1995 for his scientific accomplishments on drug absorption in humans.

Even though his major career works are in the States, he also assists Asian pharmaceutical and biotech companies over the last 14 years. He had organized numerous workshops and conferences in China, Taiwan, Hong Kong, Singapore, and Korea. He served and still serving as a scientific advisor for many regulatory agencies in Asia. He lectured frequently in the Asia in the hope to upgrading their pharmaceutical industry. Over the last several years, he had successfully in assisting many Asian companies in their technology transfers and licensing. His most recent accomplishment was to lead a Taiwan company to complete a new drug development program starting from IND up to NDA. The drug is now marketed and launched in Japan, United States, Taiwan and Europe for the treatment of chronic kidney diseases and end stage renal disease involving dialysis.

## Abstract

### **Critical Factors Affecting Global Competitiveness and Business Value During Technology Commercialization**

Dr. Keith CHAN – President and CEO of GloboAsia LLC; Senior Advisor of Cornerstone IP Foundation of Taiwan; Adjunct Professor of National Chengchi University in Taiwan

The contents of the talk is divided into:

- (1) Technology commercialization and buy-sell process
- (2) Critical factors affecting the failure/success of tech buy-sell process
- (3) How to increase the global competitiveness and business value of tech commercialization via value-added innovation
  - better understanding of IP strategy
  - identify customer/competitors
  - better communication of unmet-market needs, competitive advantages, value proposition, and global collaborative efforts

## Biography

Prof. Dongmin Chen (陳東敏)



Prof. Dongmin Chen is a Chair Professor in Peking University Big Data Institute. He heads the Planning Committee for School of Innovation and Entrepreneurship at PKU. From 2012-2026 He served as the Director of Office of Science and Technology Development at PKU, and has overseen the university innovation ecosystem development, including technology licensing, spin-offs, several incubators and investment funds, and entrepreneurship education programs. He was a former Sr. Rowland Fellow at Harvard University for 15 years and a serial entrepreneur and co-founder of two Silicon Valley companies. Prof. Chen is the International Adviser of WIPO Global Innovation Index and the Honorary Advisor and former Chairman & President of Chinese American Semiconductor Professional Association. Prof. Chen is an Associate Editor of *Applied Physics letter*. His research expertise includes nanotechnologies, RRAM, MEMS-CMOS integration; wearable sensor, Tele-medicine and big-data in health-informatics. He co-authored more than 70 scientific publications and 150 US and international patents.

## Abstract

### **Fusion of Technology Transfer with Innovation and Entrepreneurship Ecosystem**

Prof. Dongmin CHEN – Professor of School of Innovation and Entrepreneurship, Peking University

A successful technology transfer or commercialisation entails knowledgeable IP and legal services, risky investment, skilful technical development, and sophisticated business operation. It is evident from historical performances that the traditional simple licensing model for tech transfer/commercialisation has only resulted in mediocre if not dismal success, especially in Asia. We will reanalyse the value chain and roles of the key stakeholders and examine models that put tech transfer as an organic part of today's innovation and entrepreneurship ecosystem.

## Biography

### **Rong Xie, Esq.**

Rong Xie is a partner of the Law Offices of Albert Wai-Kit Chan, PLLC. His practice involves patent and trademark prosecution, patent interference, IP due diligence, licensing, technology transfer, IP-related business transactions and cross-the-border investments. He also helps clients formulate IP strategies and secure regulatory approvals. Mr. Xie has been working extensively with technology start-up companies in China and the U.S. Over the years, he has represented both industrial and institutional investors and has advised clients in various industries including automotive electronics system, building material, construction, chemistry, healthcare, fashion, software, and energy.

Mr. Xie has been an active speaker on patent law development and technology transfer between China and the U.S. He has also been actively involved in legal organizations including, among others, United States-China Intellectual Property Institute, Inc. (a New York Not-For-Profit Corporation). Mr. Xie co-taught IP classes at CUNY law school in 2013.

Mr. Xie has a bachelor's degree of law from Shanghai University of International Business and Economics (formerly known as "Shanghai Institute of Foreign Trade") (Shanghai, China), a master's degree of law from Washington University in St. Louis (Missouri, U.S.), and a master degree of science in computer science from Pace University (New York, U.S.). He is licensed to practice before the United States Patent and Trademark Office, the State of New York, and the United States Court of Appeals for the Federal Circuit.

### **谢融律师**

谢律师是陈伟杰律师事务所的合伙人。他的执业领域包括专利和商标申请、专利抵触审查、知识产权尽职调查、授权许可、技术转让、与知识产权相关的商业交易及跨国投资。此外，谢律师还帮助客户制定知识产权战略并且协助客户获得监管批准。谢律师一直与中国和美国的科技创业公司密切合作。多年来，他曾向来自包括汽车电子系统、建材、建筑、化工、时尚和计算机软件在内的不同行业的客户提供过咨询服务。

谢律师曾作过多次关于专利法发展和中美之间技术转让的报告。他还积极参与法律团体的活动，其中包括位于纽约的非营利机构“美中知识产权协会”。谢律师还于 2013 年在纽约市立大学法学院教授知识产权的相关课程。

谢律师在上海对外经贸大学（原名“上海对外贸易学院”）取得法学学士学位，从美国密苏里州圣路易斯的华盛顿大学取得法学硕士学位，并从美国纽约市的佩斯大学取得计算机科学硕士学位。他是在美国专利商标局注册的专利律师，同时也是纽约州的执业律师，并且具有在美国联邦上诉法院的出庭资格。

## Abstract

### **2017 Updates in U.S. Patent Law – Alice 2-Part Test, PTAB Practice, Patent Exhaustion and Enhanced Damages**

Rong XIE, Esq. – US Patent Attorney; Partner of Law Offices of Albert Wai-Kit Chan, PLLC

In the 3rd year since the US Supreme Court handed down the 2-Part subject matter eligible test in *Alice Corp. v. CLS Bank*, the USPTO has gathered a series of Interim Examination Guidelines and examples. Meanwhile, in almost 60 post-*Alice* decisions, the Federal Circuit applied the 2-Part test. This presentation will walk through some of the most prominent decisions involving e-commerce and computer implemented inventions, and provide the best practice in drafting eligible claims for software patents. This survey will also cover some of the most recent developments in PTAB practice, such as claim amendment and claim construction. We will also go over the Supreme Court's recent decision in *Impression Prods., Inc. v. Lexmark Int'l, Inc.* on patent exhaustion. Finally, we will visit landmark decision in *Halo Elecs., Inc. v. Pulse Elecs., Inc.* in which the Supreme Court's revised the legal standard for district court to grant enhanced damages. Takeaways will be provided at the end to help practitioners avoid the pitfalls in light of the new rules.

## Biography

### **Mr. Barry Franks**

European Patent Attorney, Swedish Patent Attorney- who is on “garden leave” from the IP law firm Brann AB and starting at a new IP law firm (which, for contractual reasons, he cannot name yet) in September 2017.

Barry Franks started working in IP in 1983 following his graduation from the University of Bath with a degree in Mechanical Engineering with French. Barry has pursued an exceptionally broad career – both geographically and operatively, starting with ten years as an examiner at the EPO in The Hague. He moved to Sweden and spent two years as an entrepreneur before returning to the world of IP as a patent attorney in Stockholm and Uppsala. After five years’ experience of drafting, prosecuting and using IP for small, medium and large companies in fields as diverse as diapers (what he calls the “biohazard industry”) and fuel rod extractors for nuclear power plants (a different type of potential hazard), he was headhunted by a global healthcare company Amersham Pharmacia Biotech which subsequently became part of GE Healthcare. He spent almost seven interesting and educative years there as in-house counsel, first in Sweden and subsequently in the UK, responsible for its European hardware IP portfolio. The commercial outlook and pragmatic decision-making skills acquired in industry have been put to first-rate use since he returned to Sweden and re-joined the IP Law firm Brann AB as manager of the Uppsala office. In addition to advising his clients on freedom-to-operate, due diligence, IP strategy and IP management, he started to specialise in oral proceedings before the EPO. As recognition grew of his enthusiasm for (and skill in winning) difficult oral proceedings he relinquished the role of manager to again concentrate full-time on IP matters. As well as a good working knowledge of French, Dutch and German, he is fluent in Swedish - which is much appreciated by his local clients when it comes to advising them on the finer points of IP law or discussing strategies.

Barry lectured for many years for the Swedish Patent Office and the Swedish IP Academy and in recent years has been invited to lecture on oppositions and oral proceedings in China, India and Mexico where his practical advice mixed with relevant anecdotes has been warmly received. He has also contributed chapters to a number of well-known IP reference books.

Barry regularly appears in the Intellectual Asset Management magazine “Patent 1000” as a peer-nominated “highly recommended individual” for patent prosecution and is also honoured as a peer-nominated “IP Star” by Managing Intellectual Property magazine.

## Abstract

### **IP Landscape in Europe - How Brexit and the Unified Patent Will Influence Patenting Strategies, Litigation and Ultimately the Value of IP Portfolios**

Mr. Barry FRANKS – European Patent Attorney; Authorized Swedish Patent Attorney

Patenting in the USA is often the first step towards building an IP portfolio. However Court decisions in the US in which high profile patents have been revoked show that neglecting the large market of Europe could be a costly mistake. While the cost of obtaining patents in Europe is higher than in the USA, the cost of enforcing your patent and the risk of your patent being invalidated is much lower. I will discuss the reasons for this and suggest patent filing strategies to maximise the value of each dollar that you invest in patents.



**Dr. Jacqueline C. Lui, President**  
**EAGLE IP GROUP, HONG KONG, SHENZHEN**

US Registered Patent Agent

M.Sc. and Ph.D. (1987) in Biology from the University of Texas at Dallas

B.Sc. in Agricultural Science and Bronze Tablet Scholar from the University of Illinois at Urbana-Champaign



Dr. Jacqueline Lui is a US Patent Agent recognized as one of the World's Leading Patent Individuals by Intellectual Asset Management (IAM). She is also the President of The Hong Kong Institute of Patent Practitioners (HIPP). Dr. Lui has been practicing in the patent field for 20 years, more than 15 of which are in China. Jackie has experience in the areas of life science, materials science, medical devices, manufacturing, mechanical and chemical engineering. She specializes in cross-jurisdiction patent prosecution, strategic planning, portfolio management, patent due diligence and enforcement.

Working languages: English, Cantonese and Putonghua Chinese

**Appointments and Membership:**

- President of The Hong Kong Institute of Patent Practitioners Limited (HIPP)
- Member of the Steering Committee on Innovation and Technology of the Government of HKSAR
- Member of the Working Group under the Advisory Committee on Review of the Patent System in Hong Kong, Commerce and Economic Development, the Government of Hong Kong SAR
- Member of the Asian Practice Committee of the Intellectual Property Owners Association (IPO)
- Member of Hong Kong Biotechnology Organization
- Former Member of the Health and Medical Development Advisory Committee (2005 - 2011) of the Government of HKSAR
- Former Member of the Board of Directors of the Applied Science and Technology Research Institute Company Limited (ASTRI) of the Commerce, Industry and Technology Bureau of the Government of HKSAR (2004 - 2010)
- Former Member of the Board of Directors of the R&D Center on Nanotechnology and Advanced Materials (NAMI) (2006 - 2010)

## Abstract

### **Are Patents Enforceable in China?**

Dr. Jacqueline LUI – U.S. Patent Agent; President of Eagle IP Group; President of Hong Kong Institute of Patent Practitioners Limited

Many people wonder whether it is worthwhile getting patent protection in China as it appears that enforcement may be difficult. What is the real situation and best strategy for IP owners? This talk will provide statistics and information about patent applications and litigation to explain the current trends in patent protection in China.

## Biography

Ms. Xiaoman Gu  
**SHANGCHENG & PARTNERS**  
Chinese Patent Attorney  
Master in Medicine  
Partner



Xiaoman is a registered Chinese Patent Attorney and approved . She has more than 16 years experience working in Intellectual property area in China starting her IP career in Jeekai & Partners. She used to work for multinational companies as IP head in China and she has extensive experience with IP considerations and problems and the tactics for solving such problems in China. She joined Shangcheng as partner 5 years ago and provides all kind of IP services to domestic and foreign clients.

Xiaoman received her Master in Medicine degree from a well-known Chinese Medical Institute in Beijing. Xiaoman specializes in patent drafting, prosecution, FTO analysis, patent validity analysis, patent infringement opinion, patent portfolio management, IP strategy making, IP due diligence in M&A, IP infringement litigation, patent validity & patent re-examination procedure, trade secret protection.

**Languages:** Chinese and English.

She is a member of ACPAA, AIPPI, AIPLA and INTA.

For more information, please see her profile at the following website:

[http://www.shangchengip.com/web/static/articles/catalog\\_ff808081306f995001307fb3fbd1034c/2012-09-27/article\\_ff80808137690d27013a06c5e8f10050/ff80808137690d27013a06c5e8f10050.html](http://www.shangchengip.com/web/static/articles/catalog_ff808081306f995001307fb3fbd1034c/2012-09-27/article_ff80808137690d27013a06c5e8f10050/ff80808137690d27013a06c5e8f10050.html)

## Abstract

### **How to Enforce Your Patents in China?**

Ms. Xiaoman GU – Chinese Patent Attorney; Partner of Shangcheng & Partners

Abstract:

Now more and more patent owners believe patent is enforceable in China. This talk will focus on the strategy and tactics on how to enforce IP, especially patents in China.

## **Matthew K. AU**

B.Sc. (Cornell, with Distinction), L.L.B. (London),  
M.Sc. (Toronto) Computer Science, M.A. (Carleton) Economics,  
Ph.D. (British Columbia) Law

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**FB page:** [facebook.com/onebusinessasia](https://www.facebook.com/onebusinessasia) | **URL:** [OneBusinessAsia.com](http://OneBusinessAsia.com)

### **PROFILE**

Dr. Au is the Co-Founder of OneBusinessAsia, a collaborative platform of capital and innovations among entrepreneurs, investors and professionals in Asia. Prior to the founding of the OBA Group, he served as software engineer, database specialist, product manager in multinational companies including Bell Canada, IBM, Bank of America, and as executive director in Goldman Sachs Asia and sessional law lecturer in University of British Columbia, for a total of 20+ years. He is also the principal of MKA Law Office, a Hong Kong law firm with practice areas covering corporate, commercial, securities, I.T./I.P., and cross-border transactions. Dr. Au is also a member of Hong Kong Computer Society, Hong Kong Securities and Investment Institute, Hong Kong Law Society, Hong Kong Institute of Arbitrators, and Hong Kong Institute of Patent Attorneys.

## Abstract

### **Arbitration of Disputes Involving IPRs - Hong Kong Context**

Dr. Matthew AU – Principal Consultant of OBA Advisors; Solicitor; Mediator; Arbitrator;  
Member of Hong Kong Institute of Patent Attorneys; Fellow Member of Hong Kong Institute  
of Arbitrators

Arbitration of the subject matter of a dispute is an important issue which must be clear before the commencement of arbitration. Hong Kong does not currently include any specific provision dealing with the question of arbitrability of disputes over IPRs in its Arbitration Ordinance. Further, there is no authoritative judgement in Hong Kong concerning the arbitrability of IPR disputes. To put the matter beyond doubt, so as to enhance Hong Kong's status as a leading center for international legal and dispute resolution services and a premier hub for IP trading in the Asia-Pacific region, Hong Kong introduced the Arbitration (Amendment) Bill 2016 (the "Bill") in December 2016, which clarifies that disputes over IPRs can be resolved through confidential arbitration. The Bill was passed on 14 June 2017 and the amendment is expected to come into effect on 1 January 2018. This presentation will examine main provisions of the amendment, and other issues concerning arbitration of disputes involving IPRs, particularly in a cross-border context.



**KWOK, AL (郭灿辉):**

- Advisor, Asia Innovation & IP Society
- Co-founder & Vice Chairman, Asia Pacific Cloud Apps Alliance
- Co-founder, International IP Commercialization Council
- Co-founder, Hong Kong Industry-University-Research Collaboration Alliance
- Founding President, CASPA (Chinese American Semi. Prof. Assoc.) PRD Chapter
- Founding CIPO, NetLogic Microsystems Inc.

Mr. Kwok has been working in the semiconductor industry in Silicon Valley since 1979, with extensive trend-setting and start-up (among which being the founding team-member of the last 3 companies) experiences at IDT, Quality Semiconductor Inc., PMC-Flash and NetLogic Microsystems Inc. – 3 IPO's & 1 M&A, covering business developments, then cutting-edge technology developments and applications, IP portfolio developments and licensing, manufacturing operations, as well as product developments and product engineering.

He played a critical role bringing 2 foundation-disruptive technologies mainstream (>90% global market share), laying the foundation for the Information Technology Era: CMOS addressing Hardware platform for Moore's Law scalability at Integrated Device Technology, Inc. as the "Yield Guru" and Network Search Engine/Knowledge Based Processor addressing Network Real-time Interactive "QoS" platform for Metcalfe's Law scalability at NetLogic Microsystems, Inc. as its "Founding Chief IP Officer" and "Product Development Champion".

His "IP" experiences covered in 1989 at Quality Semiconductor Inc. with tech transfers to Japanese strategic partners, then extended to technology licensing to top-tier companies at Programmable Microelectronics Corp. from 1996 to 1998. The highlight of his IP experiences was being the Founding CIPO at NetLogic Microsystems Inc. (NMI) to conceive and establish the IP portfolio development strategy and blueprint making NMI, though a SME, a dominating IP powerhouse in Silicon Valley (recognized by IEEE in 2006) – IPO in 2004 for ~US\$250M & M&A in 2011 by BRCM for US\$3.7B.

He returned to Hong Kong/PRD in 2002 and has been promoting application/modern service platform developments and Innovation/IP management in China. Mr. Kwok was the co-editor of "Handbook of Best Practices In Intellectual Property Management" in Chinese. He served on the HKSAR IP Working Group from 2013 to 2015.

He has a BSES and a MSEE from the University of Texas at Austin.

**KWOK, AL (郭燦輝):**

- 亚洲创新与知识产权协会 顾问
- 亞太雲應用聯盟 创会副主席
- 国际知识产权商业化促进会 创会人
- 香港产学研促进会 创始人
- 华美半导体协会珠江三角洲分会 创会会长
- NetLogic Microsystems Inc. 创始首席知识产权官

郭先生自 1979 年起從事半導體行業，具有廣泛的領導潮流和創業(其中最后 3 家公司的创始团队成员)，在 IDT，QSI, PMC-Flash 及 NetLogic Microsystems 的經驗 – 3 间上市和 1 间被并购，其中包括業務發展，尖端科技開發及應用，知識產權開發及授權許可，營運，以及產品開發和產品工程。

他發揮關鍵作用將 2 個顛覆性技術成為主流，奠定了信息技術時代的基礎：CMOS 解决了摩爾定律的可擴展性和網絡搜索引擎/知識型處理器解决了梅特卡夫定律的可擴展性。

他的知识产权經驗包括 1989 年在 QSI 的技術轉移到日本戰略夥伴，然後擴展到在從 1996 -1998 年 PMC 的技術授權給頂級公司。他的知识产权經驗亮點是作為 NMI 的創業首席知识产权官构想，並建立了知识产权組合的發展戰略和藍圖，使 NMI 主導知识产权領導權 ( 2006 年由 IEEE 公認的 ) -- 2004 年约 2.5 亿美元上市，2011 年 BRCM 以 37 亿美元收购了。

他於 2002 年返回香港/珠三角，並已推廣應用/服務平台的發展與在中國的創新/ 知识产权管理。他是“知識產權管理實務大全”共同編輯。

他是德克萨斯大学奥斯汀分校的 MSEE 及 BSES。

## Abstract

### **Engine of Knowledge Economy – from Ideas to Mass-commercialization**

Mr. Al Kwok

郭燦輝先生

All human creations are Intellectual Properties (IP) - products of the mind; the core Wealth Creation in Knowledge Economy is IP Commercialization mainly through know-how (tech) transfers with proper scaling. In this talk, a comprehensive picture of IP is presented: its historical development, its roles, its positions in corporate and trade settings, etc. The talk will be concluded with how Values to Society in Knowledge Economy are created through IP, innovation and entrepreneurship – the process for sustainable prosperity, as well as the appropriate paradigm for Knowledge Economy.

## Biography

### **Mr. Douglas Graham**



Douglas currently is CEO of Ideation Inc that has built a software tool that allows any organization or individual to build their own white labelled innovation ecosystem. Prior to this he restructured Circle Trust an \$8.5 billion bank and stayed on as Chairman and CEO through three successive owners. He was a Managing Director at KPMG responsible for Financial Services, e-Commerce and CyberSecurity and led several large industry infrastructure projects including NetAid (1700 servers in five continents), Furs.com, NICC (Newspaper Industry Clearing Center) and OASIS that deregulated the wholesale electrical industry and for which he won a Gartner award. He has written two books for Wiley – the first on secure Internet architectures that was translated to three languages and one on Ideation: The Birth & Death of Ideas that was well reviewed by Carl Icahn and Lee Iacocca. Inventor on five patents (one with 260 citations). He is interested in innovation management, Big Data analytics, cybersecurity, funds management, blockchain technology and cryptocurrencies.

## Abstract

### **Commercialization of Intangible Assets as a New Area of Economic Growth for the Knowledge Economy – the Ultimate Business Value Innovation**

Mr. Douglas GRAHAM – CEO of Ideation Inc.

Intangible assets account for 87% of the value in the global economy according to studies by PwC and Ocean Tomo but, according to the World Bank, account for less than 1% of global trade. This imbalance both indicates the enormous inefficiencies in how we as organizations (corporate, academic and governmental) manage our intangible (intellectual) assets and, by addressing these inefficiencies, provides a tremendous opportunity for economic growth.

In the book *IDEATION: The Growth & Death of Ideas (Wiley)* we discuss both the reasons for these inefficiencies as well as the ways to overcome these problems. It was well reviewed by opinion leaders such as Carl Icahn, Lee Iacocca and Sir David Cooksey and these good reviews encouraged us to build an ERP focused on intellectual assets (our largest yet least managed asset class) to both address these issues within the enterprise and well as facilitating secure collaboration between enterprises.

We believe the future model for global innovation is “IP as a Service”.



**MR NG KIM TEAN, CHAIRMAN  
NANYANG LAW LLC**

Mr Ng Kim Tean is the Chairman of Nanyang Law LLC, a boutique IP law corporation with 30 staff and 3 offices: 2 offices in Singapore; and 1 office in Kuala Lumpur, Malaysia.

His primary areas of practice are equity capital markets, fund managements, corporate restructurings, commercial and company laws. He also has extensive experience in handling joint ventures, cross-border mergers and acquisitions, take-over, venture capital funding involving American, Chinese and Indonesian laws. With his strong technology background, Mr. Ng provides effective guidance in the field of technology licensing and research collaborations.

His other area of expertise also includes intellectual property law; his many years of hands-on experience have exposed him to all aspects of prosecution and management of intellectual property portfolios including patents, trademarks, registered designs and confidential information in Singapore and various foreign countries.

He is a prolific speaker and he also regularly authors articles, publications and books. His book publications include "International Patent Law – Winning Legal Strategies for Registration, Litigation & Other Intricacies of Patent Law in All Major Markets" (Aspatore, Inc. 2004) and "Intellectual Property for Integrated Circuits" (J Ross Publisher, Inc. 2009).

Mr Ng was a 4-term independent director of a Singapore public-listed company when he successfully re-organized and improved the company's corporate governance after a much-publicized failed take-over saga.

Mr Ng was a 6-term Singapore Representative, Patent Committee of Asian Patent Attorneys Association; he was also a 2-term President of the Singapore Inventors' Development Association; a Part-time Lecturer at Nanyang Technological University; and an Adjunct Faculty of Singapore Management University. He is appointed as a member of the Examination Committee for Patent Agents since 2014. He is also recently conferred as a Fellow of Intellectual Property Technology Consultant Registry.

Mr Ng, an engineer-turned-lawyer, holds a Bachelor of Engineering in Electronics and Electrical Engineering from the National University of Singapore and a Bachelor of Law (Honours) degree from the University of London. He is also qualified as a Barrister-at-law (Middle Temple, London), an Advocate and Solicitor of the Supreme Court of Singapore, and a Singapore Registered Patent Agent.

## Abstract

### **Enhancing Business Competitiveness Through IP Analysis and IP Management**

Mr. NG Kim Tean – Chairman of Nanyang Law LLC

The presentation discusses the needs for companies to develop and use Intellectual Property (“IP”), in particular patents, as a competitive tool in today’s knowledge driven economy. First, it highlights the importance of patents by examining the growth of patent applications, the various changes to the top applicants’ demography, and recent damages awarded for patent infringement cases.

It further examines how an organization may successfully carry out effective IP Management involving 4 main steps, including IP Protection; IP Information Management; IP Analysis & Patent Mapping; and IP Portfolio Management.

For IP Protection, it recommends processes such as invention review committee to seek out useful and patentable subject matters; and to implement methodical documentation processes to ensure good governance of patent documentation.

Through IP Information Management to enhance the organization’s monitoring of its competitors’ research and development activities, and to identify trends in new state-of-the-art technologies.

Using IP Analysis & Patent Mapping to understand technology landscape, identify technology gaps and opportunity, and to generally identify potential infringements that could be well avoided.

IP Portfolio Management allows organization to integrate and devise business strategies by adopting an IP-centric approach to enhance the organization’s business competitiveness.



**Lewis Ho**  
**Partner**  
**Life Sciences**

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lho@loeb.com

Lewis Ho leads the life sciences and intellectual property practices in Asia. He helps life sciences and technology companies and their financial sponsors to capture, manage, risk assess, evaluate and monetize their IP assets. His practice focuses on negotiating technology transfer transactions and enforcing IP rights.

Mr. Ho has extensive experience advising on both inbound and outbound IP-driven transactions, and has negotiated more than 60 M&A, collaboration, outsourcing, joint venture and licensing deals. He also assists Chinese companies acquiring IP assets and manufacturing facilities overseas.

Mr. Ho has been consistently recognized by *Chambers Asia* and *Legal 500* as one of the leading life sciences and IP lawyers in China. *Chambers Asia* noted him for "approaching issues in a 'down-to-earth' manner" and clients described him as "one of the best lawyers I've worked with so far" owing to his sharpness of proactive approach and as producing "a high quality of work." He has also been recognized by *IAM Patent 1000* in China.

Prior to joining Loeb & Loeb LLP, Mr. Ho served as a resident partner in the Shanghai and Beijing offices of a major international law firm.

## Significant Representations

### *Intellectual Property*

- ▶ Several leading technology companies, including QUALCOMM, Dover Corporation, Vanderlande and Power Integrations, in global patent infringement and licensing disputes.
- ▶ Running global licensing programs, including standard-setting patents, on behalf of technology companies and NPEs against Chinese companies.
- ▶ Numerous pharmaceutical companies, including GSK, Sanofi, Roche, Merck & Co., Bayer, Lundbeck, IPSEN, Takeda and LEO Pharma, in relation to product launches in China and Hong Kong, including clinical trials, data exclusivity, patent linkage, regulatory and patent infringement actions against generics.
- ▶ Conducting freedom-to-operate analysis for various companies, including ALSTOM Power and Dover Corporation, in the context of product launches in various countries and acquisition of Chinese targets.

### *Life Sciences*

- ▶ A multinational life science company in government and internal investigations of its Chinese subsidiary focusing on business operations and marketing activities with healthcare professionals and hospitals in China involving hospitality, sponsorships, donations and advertising, and in labor claims arising therefrom.

#### Lewis H

- ▶ GlaxoSmithKline on the establishment of its multi-million dollar R&D centre in Shanghai, one of the first and largest projects of its kind in China.
- ▶ Four top 10 pharmaceutical companies (including GSK) in establishing significant R&D facilities in China, including addressing the protection of inventions in R&D results, assignment of IP and exploitation, material transfer, licensing, outsourcing, collaboration and inventor remuneration schemes.

#### Licensing

- ▶ Servier regarding the collaboration and license agreement with the Shanghai Institute of Materia Medica, which seeks to provide evidence of the clinical benefits of lucitanib in specific Chinese indications through national clinical studies.
- ▶ Ablynx on the preparation of cross-border out-licensing agreement with Eddingpharm (a Chinese specialty pharmaceutical company) regarding the development, manufacturing and commercialization of the product ALX-0141, in China. ALX-0141 is a candidate nanobody for treating bone-loss related disorders and recently completed its Phase I study in the Netherlands. In connection with the license agreement, he also advised the advising client on Chinese-specific aspects of the agreement, including tax arrangements, regulatory approvals, IP ownership, technology transfer requirements and other compliance issues; conducting independent due diligence against company structure, financial and compliance record of the potential partners in China.
- ▶ The Medicines Company (NASDAQ: MDCO) ("MedCo") on agreements granting licenses and exclusive rights to SciClone Pharmaceuticals (NASDAQ: SCLN), a U.S.-based, China-focused specialty pharmaceutical company, in connection with the commercialization of two MedCo cardiovascular products — Angiomax® (bivalirudin) and Cleviprex® (clevidipine) in China.

#### Mergers & Acquisitions

- ▶ Huadong Medicine, a Chinese public company, in its recent attempt to acquire a U.S. generic drug manufacturer with valuation exceeding US\$1 billion.
- ▶ PPR S.A., one of the world's largest luxury groups, on its acquisition of Chinese fine-jewelry maker Qeelin Ltd.
- ▶ Columbia Pacific Management, Inc. and its affiliate China Senior Housing, L.P. in negotiations for the formation of joint venture companies that will own and operate hospital and senior living facilities in China and also in the development of a company that will provide management and support services to health care facilities in China.
- ▶ C&O Pharmaceutical on its exit from a joint venture in China and the negotiation of shareholder buyout and valuation of share price of CRO.
- ▶ Sinochem Group on the formation of a joint venture with Koninklijke DSM N.V. to spin-off DSM's anti-infective business under complex IP licensing and R&D arrangements.

#### Private Equity and Venture Capital



## **Lewis H**

- ▶ Sequoia China on pre-investment due diligence and evaluation of intellectual property assets of various healthcare startups.
- ▶ Vitargent, a Hong Kong biotech unicorn, on advising a start-up biotech in devising IP strategies in fortifying their core technologies to pave its way in future licensing transactions.
- ▶ Several PE and VC funds on their investment in life sciences and technology companies.

*Includes matters handled prior to joining the firm.*

## **Education**

The University of Hong Kong, LL.B., 1997

King's College London, Post-graduate Diploma, EC Competition Law, 2006

Shanghai Jiao Tong University, Certificate on PRC Law, 2006

## **Bar Admissions/Qualifications**

Hong Kong

## **Memberships and Professional Activities**

Honorary Legal Advisor, Hong Kong Association of the Pharmaceutical Industry (HKAPI)

Convenor, South China Chapter, BayHelix

Vice Chairman of the IP Working Group (Shanghai Chapter, 2009-2011), European Union Chamber of Commerce in China

## **Languages**

English

Mandarin

Cantonese

## **Speaking Engagements**

- ▶ Global Strategies for Managing Both Multifront Domestic and International Litigation of IP Assets — The 16th Annual Sedona Conference on Patent Litigation, Washington, DC (October 24, 2016)
- ▶ China Pharma's Overseas M&As – Trends, Opportunities and Challenges — Hosted by Citi, Hong Kong (August 18, 2016)
- ▶ Rise of Chinese innovation and innovative deal structuring — ChinaBio Partnering Forum 2016, Suzhou, China (May 18, 2016)
- ▶ Investing in the Life Science Space: What You Need to Know, Hong Kong (February 2, 2016)
- ▶ Introduction of new patent linkage system in Hong Kong and its implication to your business — A Joint Seminar Presented by Dechert and The Hong Kong Association of the Pharmaceutical Industry, Hong Kong (December 9, 2015)



#### Lewis H

- ▶ Recent Trends for Licensing and M&A in the Life Sciences Sector in the US, Europe and Asia — BayHelix 11th Annual Conference - Leading Changes In Life Sciences Across The Pacific, San Francisco, CA (January 12, 2014)
- ▶ Asia Counsel to Counsel Exchange, Hong Kong (October 9, 2013)
- ▶ Effective Management of Clinical Trial Agreements and Personal Data (Privacy) (Amendment) Ordinance — A Joint Seminar Presented by Clinical Trial Centre - University of Hong Kong and The Hong Kong Association of the Pharmaceutical Industry, Hong Kong (June 28, 2013)

#### Publications

- ▶ Know Your Patent Pitfalls — *China Daily* (October 5, 2016)
- ▶ Ensuring Supply Chain Safety — *Pharmaceutical Technology* (July 2, 2016)
- ▶ How Qualcomm Transforms SEP-Licensing Landscape In China — *Law360* (April 8, 2015)
- ▶ A Case Study: How the Record Breaking Antitrust Penalty Against Qualcomm Transforms the Landscape of SEPs Licensing in China — (March 27, 2015)
- ▶ Legal and Ethical Risks of Healthcare Businesses in China —*reprinted by Main Justice; reprinted by Law360* (April 25, 2014; April 25, 2014)

## Abstract

### **Innovations in IP Transactions**

Mr. Lewis HO – Partner of Loeb & Loeb LLP

- Traditional model of granting rights of development and commercialization of patented products in exchange of license fees and royalties is fading
- New trend is to tradeoff between the parties' respective strengths and weaknesses – parties seek exchange of benefits and cost-sharing
- I would like to illustrate the point by 2 examples below:
  - Durathon™ Battery joint venture between General Electric Company and Chaowei Power Holdings Ltd.
  - PD-1 Inhibitor BGB-A317 strategic collaboration between Celgene Corporation and BeiGene, Ltd.

## Biography

Mr. Alex FUNG

AUGUZ

PROJECT DEVELOPMENT

Founder of AUGUZ

Authorised Person, HK

ARBHK (Registered Architect), HK

ARBUK (Registered Architect), UK

RIBA HK Chapter Committee Member, HK

RIBA (Chartered Member), UK

HKIA (Member), HK

MArch Royal College of Art, UK

BArch (1<sup>st</sup> Hon) University of Hong Kong

AUGUZ 創辦人

香港政府註冊認可人士

香港註冊建築師

英國皇家註冊建築師

英國皇家建築師學會(香港)幹事委員

英國皇家建築師學會會員

香港建築師學會會員

英國皇家藝術學院 建築碩士學位

香港大學 建築碩士學位(一級榮譽)

# AUGUZ

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PROJECT DEVELOPMENT



Founder of AUGUZ

Authorised Person, HK  
ARBHK (Registered Architect), HK  
ARBUK (Registered Architect), UK  
RIBA HK Chapter Committee Member, HK  
RIBA (Chartered Member), UK  
HKIA (Member), HK

MArch Royal College of Art, UK  
BArch (1st Hon) University of Hong Kong

## Abstract

### **Rethinking Art and Design in Technology Advancement**

Mr. Alex FUNG – Founder of AUGUZ

*EXPERIENCE*

We AUGUZ believe in Experience. And indeed Experience in its dual forms.

First being our mortal soul Experiencing our surroundings or interact with another life forms through our Five Senses, which while serving as our communicating links with the external world, also translate the Experience back to our internal system.

Second being our mortal mind accumulating Experience via Knowledge searching acquired over Time.

In this context, the Knowledge we acquired is both through Discovery and Communication. For a discovery to become knowledge, it requires effective communication and brought to life in the minds of others.

*THINK THE OPPOSITE*

With our emphasis on Experience, we AUGUZ see things differently.

Logic and common sense have a habit of leading us to rational conclusions, which is fine in many cases.

To be creative, however, one should also think differently, one need to see what was not written, to hear what was not said.

Above all, WHATEVER YOU THINK, THINK THE OPPOSITE.

Creativity comes from unlikely juxtapositions.

*INTERACT AND INTEGRATE*

PEOPLE and SPACE interaction:

In AUGUZ, the two core elements central to our design thinking are People and Space. How people use, behave, operate and interact within and between are essential; and equally important is how this interaction experience be elevated through articulation of space and time.

ARTS and TECHNOLOGY integration:

Arts resonate with our nerves receptors. In AUGUZ we also see beyond the crust of colour and form. There are souls in every materials and technology piece. Each deserves a soul reaching dialogue and call for respect. Talk to them and apply them appropriately, and they will echo with the users. Thereby resulting with the innovative and sustainable design solutions, and trigger a liberating human interface experience.

*CONTENT*

While it is the artifact everyone celebrates, it is the content we praise and focus on. Celebrating the people, their activities and interaction details therein throughout their experiencing journey, we call these *the Essence Of Project*.

*TAKE AWAY*

To sum up, in Auguz we believe,

"Everything is Design. Everything!"

"Design is about responsive to how it works to address the needs and desire. Design an experience and to communicate."

"If you are not prepared to be wrong, you will never come up with anything original."

## Abstract

### 反思科技進步中藝術與設計的發展

馮誠佑先生 - AUGUZ創辦人

#### *體驗*

AUGUZ 相信體驗。誠然，是雙重形式的體驗。

第一種是透過我們凡俗的靈魂，用五種感官來體驗身邊的事物或與其他生命體互動，一方面作為我們與外界交流的橋樑，同時也把這些體驗傳送回體內。

第二種是透過我們平凡的心靈，藉不斷搜尋知識並隨著時間來累積體驗。

因此，我們獲取的知識是從發現和溝通得來的。把發現變成知識，需要有效的溝通，並將其呈現在人們腦海之中。

#### *逆向思考*

AUGUZ 重視體驗，所以看法與眾不同。

一般而言，邏輯和常識總能引領我們得出理性的結論。

然而，要具創造力，就應有與眾不同的想法，要看到沒有記載下來的，要聽到沒有說出來的。

重要的是，無論你在想什麼，也要逆向思考。

創意源於與眾不同。

#### *互動與融合*

人與空間互動：

在 AUGUZ，人與空間是我們的設計思考的兩個核心元素。在空間當中及之間，人們怎樣運用它、表現它、管理它，以及如何互動，都極為重要；而如何透過時空的連貫來提升這種互動體驗，也同樣重要。

藝術與科技融合：

藝術與我們的神經產生共鳴。在 AUGUZ，我們的視野超越顏色和形式的表象。靈魂存在於每一種物料和科技產品裡，值得我們開展觸及靈魂的對話，而且值得我們尊重。只要跟它們說話，並適當加以應用，它們便會回應我們，找出既創新又可持續的設計方案，創造出一種使人得到解放的人性化介面體驗。

#### *內涵*

當一件產品備受表揚，我們所讚揚的、所專注的，是其內涵。在體驗旅程當中，表彰人們、其活動、以及當中的互動細節，我們稱之為「項目的本質」。

#### *得著*

總而言之，在 Auguz，我們確信，

「一切都是設計，一切皆是！」

「設計關乎於對如何滿足需要和渴望作出響應。  
設計出體驗，用設計溝通。」

「如果你沒有犯錯的準備，就永遠不會有所創造。」

## Biography

Dr. Dirk BROWN

Dirk Brown is the Faculty Director of the University of South Carolina's McNair Institute for Entrepreneurism and Free Enterprise and a faculty member in the Management Department at the Darla Moore School of Business. Dr. Brown is a seasoned executive with a strong track record of developing, marketing and licensing disruptive, proprietary technologies. He is the founding CEO of Pandoodle Corporation, a digital media technology company with offices in California, New York and South Carolina. Previously, he was CEO of Neoconix, a venture capital-funded electronics technology company serving Fortune 100 customers with worldwide sales and manufacturing.

Earlier in his career, Dr. Brown was executive vice president of operations and marketing at High Connection Density, with P&L responsibility for all of the company's product lines, and before that a member of technical staff at Advanced Micro Devices. He holds over 25 patents, has written over 30 technical papers and journal articles, and is an active member in a number of professional societies.

Dr. Brown holds an MBA from San Jose State, a Ph.D. (Materials Science) and M.Eng. (Applied Physics) from Cornell University and a B.Sc. (Eng.) in Applied Physics/Electrical Engineering from Queen's University in Canada.

## Abstract

### **IP creation and commercialization in the U.S. under a changing global landscape**

Dr. Dirk BROWN – Faculty Director, McNair Institute of Entrepreneurism and Free Enterprise, University of South Carolina

Historically, the United States has been one of the most innovative and successful economies in the world. A major part of this success has been the combination of free enterprise, an entrepreneurial business ecosystem, and strong intellectual property rights. Policy shifts in the U.S. and other countries of the world have changed the global landscape for free enterprise and for corporate strategy related to IP creation and commercialization. U.S. IP creation and commercialization must be done in the context of this shifting global landscape and with a clear understanding of the free enterprise trends worldwide.

## Biography

Ms. Xiaojuan LI – Director of Intellectual Property Office of Institute of Computing Technology, Chinese Academy of Sciences

Ms. Li Xiaojuan now is the Director of the Intellectual Property Office of Institute of Computing Technology, Chinese Academy of Sciences; meanwhile she is also Assistant Director of the Center of Intellectual Property, Chinese Academy of Sciences. She got her Bachelor Degree of Engineering from Beijing Institute of Technology and Juris Master from Renmin University of China. She is both a patent attorney and a qualified lawyer, with her career mainly focusing on Intellectual Property Rights (IPR) management, patent value analysis, and research achievements commercialization. Over ten years' working experience in these areas offers inspiration for her to publish many papers in different influential journals.

Ms. Li is also public-spirited and has taken a positive part in various social activities. She helped SIPO (State Intellectual Property Office) to issue the national standard “Intellectual property management for research and development organization” (GBT 33250-2016) as an important co-writer. She also played a significant role in the drafting course of AVS (Advanced Audio-Video Coding/Decoding Standard) as co-chairman of the IPR work group. Furthermore, she was elected as judicial assessor of Beijing Intellectual Property Court in 2017. Besides, she has achieved a lot of individual honors as well.

## Abstract

### **The Analysis System for Valuation of Patent**

### **專利價值分析系統**

Patent evaluation is a critical issue related to patent management, commercialization, and transaction. This topic aims to introduce the analysis system for patent value by focusing on the following four key questions: why patent value is needed to be analyzed; what the analysis system for patent value exactly is; how to use the analysis system during patent management and patent commercialization; and what are challenging the analysis system for patent value.

## Biography

余文心，海通证券董事总经理，医药行业首席分析师，2015年新财富、水晶球卖方最佳分析师评选双料冠军。2010-2015年连续5年上榜新财富、水晶球、第一财经、金牛奖、汤森路透等最佳卖方分析师评选，多次获得第一名。产业资源及积淀丰富，在医疗服务、移动医疗、制剂出口、血液制品、创新药物、精准医疗等细分领域研究深入且观点独到，曾受邀到30余家上市公司内部会议、十余个产业论坛及百度、阿里等企业演讲。

**Ms. Wenxin Yu**, Managing Director of Haitong Securities Co., Ltd., chief analyst of pharmaceutical industry, double champion of elections of best sell-side analyst of *New Fortune* and *Crystal Ball* in 2015. Best sell-side analyst and frequent first place winner of *New Fortune*, *Crystal Ball*, *China Business Network*, *Taurus Award* and *Thomson Reuters* etc. from 2010 to 2015. Senior researcher and critical thinker in segmentation fields of medical service, mobile health, preparation export, blood product, innovative drug and precision medicine. Yu has been invited to give speech in internal conferences of more than 30 listed companies, in more than 10 industrial forums and in companies like Baidu and Alibaba.

## Abstract

### 从资本市场看医药产业专利药物发展前景与投资热点

伴随着CFDA在药政领域大刀阔斧的改革，中国的创新药产业迎来前所未有的机遇。创新药、专利药成为市场投资热点。本场演讲将以多个创新药企为案例，为听众讲述资本市场的分析框架及估值方式。

## Biography

Dr. Xin GUO – Investment Director of Xike Angel Funds, CAS Star

**郭鑫**，西安交通大学 MBA，深圳交易所上市公司董事会秘书资格，多家科技企业董事、监事。2010 年 7 月至今一直从事中科院西安光机所产业化工作，现任西安光机所全资资产管理公司西科控股董事长助理、战略发展部部长，中科创星投资总监，负责企业管理、基金募资、科技产业化项目投资、对外政府金融机构资源对接（国家发改委、财政部、科技部、中科院、各类母资金等）；曾任飞秒光电公司董事会秘书。

**Mr. Xin Guo**, MBA of Xi'an Jiaotong University. Guo qualifies as board secretary of listed company in Shenzhen Stock Exchange and has been board director or supervisor of several technology companies. From July of 2010 till now, he dedicates to industrialize the academic research in Xi'an Institute of Optics and Precision Mechanics of CAS. He is currently an assistant of chairman and head of strategic development department of Xike Holdings, a capital management company wholly owned by Xi'an Institute of Optics and Precision Mechanics of CAS, and investment director of CASSTAR, responsible for enterprise management, fund raising, investment of technology industrialization, and the liaison to external governmental administration, such as National Development and Reform Commission, Ministry of Finance, Ministry of Science and Technology, Chinese Academy of Science, and various fund of funds. He had been previously board secretary of Femtosecond Optics.

## Abstract

### 硬科技改变世界——人类创业简史

人类历史就是一部硬科技的创业史。以印刷术、火药、指南针为代表的中国硬科技曾经改变世界。第一次工业革命带来了欧洲的崛起，第二次工业革命则使美国东部崛起，随后二十世纪的美国在以信息产业为代表的硬科技的驱动下保持世界领先地位。进入二十一世纪，中国也建立了以科技创新为发展理念之首的战略规划，迎来以人工智能、生命科学、新能源等硬科技为代表的新的创业浪潮。中科创星，着力打造特色鲜明的硬科技创业生态，为新时代的科技创新提供服务与支持。

## Biography

Dr. Kaijiang YU – Deputy General Manager of Hengqin International Intellectual Property Rights Exchange Center

俞开江，男。高级经济师，深圳市后备级领军人才。2009年6月获得浙江大学国际金融博士学位，拥有材料工程、证券投资和国际金融复合专业背景。2009年起在宁波银行金融市场部任研究员，2010年起在国信证券博士后工作站工作，2013年起任珠海金控战略发展部副总经理，2015年起任职横琴国际知识产权交易中心副总经理，分管金融创新和国际运营业务，对知识产权质押贷款、知识产权投资运营、知识产权证券化、国际技术转移等方面有深入研究。

As a senior economist and backup-class leading talent credited by Shenzhen government, **Dr. Kaijian Yu** has deep research in the fields of intellectual property pledge loans, IP investment operation, IP securitization, and international technology transfer. In June 2009, Dr. Yu acquired International Finance PhD degree of Zhejiang University with comprehensive expertise in the fields of material engineering, portfolio investment, and international finance. Dr. Yu had been the researcher of Finance and Market Department of Ningbo Bank in 2009 and had been served for postdoctoral work station of Guosen Securities in 2010. In 2013, Dr. Yu was appointed as the deputy general manager of Strategy Planning Department of Zhuhai Financial Investment Holding Co., Ltd. Since 2015, Dr. Yu has been the vice general manager of Hengqin Intellectual Property Exchange Center Co., Ltd, and taken charge of the Finance Innovation Department and International Business Department.

## Abstract

### 知识产权金融创新探索——横琴国际知识产权交易中心运营理念解析

横琴国际知识产权交易中心于2014年组建，承担国家知识产权运营金融与国际特色试点平台的任务，是国家“1+2+20+N”的知识产权运营体系的重要组成部分。横琴国际知识产权交易中心主要业务包括科技创新、金融创新和跨境知识产权交易等。其中，金融创新以及跨境知识产权交易为其特色业务。金融业务主要包括知识产权质押贷款、知识产权投资运营基金、知识产权保险和知识产权资产证券化。国际运营业务主要包括知识产权国际许可和国际技术转移方面的特色服务。

## Biography



### **Dr. Waishun LO**

General Partner of DL Capitals

Dr. Waishun Lo is currently General Partner of DL Capitals (點亮資本), an angel investment fund focusing on disruptive and exponential technologies. He is also Adjunct faculty of The Chinese University of Hong Kong (MSc/Entrepreneurship/ IT Management, EMBA/Innovation, OneMBA/Entrepreneurship), and Visiting Professor of PKU (School of Innovation and Entrepreneurship).

His expertise and current interests include Intellectual Property Commercialization, Business Models Innovation and Technology Transfer.

His previous experience includes positions with Bell Labs, Cable & Wireless Innovation, Hong Kong Telecom, and S Venture, an early stage investment company. He had served as Board of Directors for two listed companies in Hong Kong, as panel of assessors of SERAP (Small Entrepreneurs Research Assistance Program), and as Director of the Young Entrepreneurs Development Council.

Dr. Lo was a Senior Researcher at Harvard Business School's (HBS) Asia-Pacific Research Center. He had conducted many consulting projects for institutions and PE funds such as HK Government (regulatory policy), IFC of World Bank (Investment strategy in China), Intellectual Ventures (Invention Network) and had advised many startups in the past.

He holds BSc and Mphil from CUHK, a Ph.D. from Brown University, and has executive management training from INSEAD.

## Biography

### 劳维信教授

#### 点亮资本合夥人

- 点亮资本合夥人
- 香港中文大学讯息工程系兼任教授, 过去 10 年教授硕士及商学院 EMBA 课程
- 北京大学产业技术研究院访问教授
- 国际技术转移协作网络 ITTN 委员 (创新医疗技术)
- 具 25 年中、港、美地区电讯, IT, 高科技行业及风险投资之工作经验
- 研究公司战略、高科技投资、跨国高科技技术转移、知识产权贸易及授权

#### 曾任

- 哈佛大学商学院亚太研究中心研究主任
- 二间香港上市科技公司之董事会成员, 及替多间 IT 企业及 VC/PE 作谘询顾问
- AT&T Bell Labs (贝尔实验室), 香港电讯, C&W Innovations 及 S Venture 管理层职务

香港中文大学物理学士, 哲学硕士及美国布朗大学 (Brown University) 物理博士

曾任香港政府公职: 创新科技署 — 创新及科技基金核下之 小型企业研究资助计划项目评审小组评审委员, 创新及科技基金资讯科技项目评审委员会成员 曾任社会公职: 香港青年企业家发展局董事, 并在过去 15 年致力培育香港青年企业家 曾出版有关香港高科技初创公司之书籍

## Abstract

### **New Ways of IP Commercialization**

Dr. Waishun LO – General Partner of DL Capitals

Recently there are some new ways of commercialization of innovations from IP. We will discuss the trends and some examples. Here we are mainly talking about patents but these ways could be applied to all types of IP.

Some people are leveraging the new technology of blockchain, in particular the smart contract to apply to the field of licensing technologies protected by patents. And in some case, even in collaboration stage among several contributors, while the patentable ideas are being developed, blockchain technology could be used. Also, the crowdfunding method in the blockchain world, namely ICO, Initial Coin Offering, could be applied for raising fund for technology projects.

We will discuss a few examples of applying blockchain to the IP world.



**胡晓伟**—深圳派富知识产权投资咨询有限公司总经理。毕业于比利时鲁汶天主教大学，曾任中科院深圳先进技术研究院技术转移办公室主任，牛津大学Isis科技创新有限公司驻深圳首席代表，牛津Isis深圳国际技术转移中心创始人。

2016- Current, General Manager of Shenzhen PAIF Co., Ltd

Due Master degrees KULeuven (Belgium) .

2009-2012, Specialist of international collaboration, Head of technology transfer office, Shenzhen Institutes of Advanced Technologies, China Academy of Sciences

2010-2012, Founder and director of Shenzhen Ritech Robotic Company

2012-2014, Shenzhen Chief representative of Isis Innovation, technology transfer company wholly owned by Oxford University

2014-2016, Founder and CEO of Shenzhen Isis international technology transfer company

## Biography



### 王大伟

现代商业发展研究中心院长（技术商业化），德国德中工业 4.0 联盟执委副主席，晨兴龙至投资管理有限公司董事长，毕业于南京工业大学，香港中文大学工商管理硕士。王大伟女士先后就职于媒体、快速消费品、奢侈品、投资行业，曾有 10 多年全球 500 强外资企业（百事可乐）和江苏知名企业（宝庆银楼连锁）的高层管理工作经历，历任市场运营总监、营销总经理、总经理。近年，王女士专注于国内传统产业升级咨询，专注于中外技术融合研究，专注于适合引入深圳科技产业平台的项目策划。

现代商业发展研究中心是专注技术商业化的机构，通过促进中外技术专家人才的融合，设计商业化路径，长期为项目提供一系列技术实施管理的服务工作。本中心为深圳市“全球创新创业直通车”指定的服务运营平台之一，现已开通以色列、德国、新加坡。

## Biography

Prof. Jing Ni - Associate Professor and Tour for graduate of International Law School, East China University of Political Science and Law

Jing Ni is Associate Professor and Tour for graduate of International Law School of East China University of Political Science and Law. After postgraduate degree in European Union law at the Third University of Marseilles, she took a Joint PH.of Xiamen University and the same French University. Later, she came to Chinese Academy of Social Sciences for postdoctoral study. Devoted to the legal system of international protection of intellectual property, Prof Ni presided over the project of "ADR for intellectual property disputes" supported by National Social Science Fund. She also joined in many national or provincial projects. Now,she has published more than 10 articles in core journals and newspapers.

倪静教授 - 华东政法大学国际法学院副教授、硕士生导师

倪静，华东政法大学国际法学院副教授、硕士生导师，法国马赛第三大学欧盟商法硕士；厦门大学 and 法国马赛第三大学联合培养法学博士；中国社会科学院法学研究所法学博士后。现主要从事国际知识产权保护法律制度等方面的科研、教学工作；主持国家社会科学基金项目《知识产权争议多元化解决机制》并参与多项国家级、省部级课题；在核心期刊、报纸上发表专业论文数十篇。

## Abstract

### **Hot Issues about IP Arbitration**

Prof. Jing Ni - Associate Professor and Tutor for graduate of International Law School, East China University of Political Science and Law

As an effective way to solve IP disputes, arbitration has earned more and more attention around the world. More specific IP arbitration units have been established. However, due to their characteristics, arbitration won't fit all IP disputes. The arbitrability of IP disputes is still debatable. My topic will focus on the advantages and disadvantages to arbitrate IP disputes, as well as the arbitrability of IP disputes. Arbitration should become a basic way to solve IP disputes, but it goes a long way to solve practical problems.

### **知识产权仲裁热点问题**

倪静教授 - 华东政法大学国际法学院副教授、硕士生导师

仲裁作为一种有效的诉讼外解决知识产权争议的方式日益在全球范围内得到重视，专门的知识产权仲裁机构也在迅速增加。但是，从知识产权权利及仲裁的基本特征出发，这类纠纷解决机制并不适合解决所有的知识产权争议；而且世界各国在知识产权争议类型的可仲裁性问题上仍然存在较大争议。因此，本次演讲主要围绕 1) 仲裁解决知识产权争议的利与弊；2) 知识产权争议的可仲裁性两大主要问题展开。知识产权仲裁是未来知识产权纠纷解决发展的基本方向，但是现实问题的解决仍然任重道远。

## Biography



### **Ms. Carrie Shang**

Ms. Carrie Shang is the ADR Legal Counsel of Hong Kong International Arbitration Centre (HKIAC) and she specialized in helping foreign enterprises solving cross-border commercial, investment and intellectual property disputes. Ms. Shang is qualified to practice law in New York and the People's Republic of China. Prior to joining HKIAC, Ms. Shang was an Assistant Professor of Law at the Shanghai University of Finance and Economics (SUFE) and led the University's Free Trade and ADR Research and Development Center, and has provided policy advice to government agencies including the Shanghai Municipal Commission of Commerce. Ms. Shang is fluent in English, Mandarin, and Cantonese, with a good working knowledge of Spanish. She obtained her J.D from the University of Southern California School of Law and her B.A (Honors) from UC Berkeley. Ms. Shang has working and living experiences in the United States, Hong Kong and People's Republic of China, and has also received public interest fellowships from Perkins Coie LLP, the Clinton Global Initiative, and Tata International.

商舒女士目前担任香港国际仲裁中心 ADR 法律顾问，擅长处理外资企业在亚太地区的跨境商事、投资和知识产权争议，商女士具有美国纽约州和中华人民共和国的律师资格。在加入香港国际仲裁中心之前，商女士曾在上海财经大学法学院担任讲师以及自由贸易与 ADR 发展研究中心执行主任，曾为上海市商务委员会等政府机构提供政策咨询。商女士可以流利使用英语、普通话以及粤语，并能够在工作中运用西班牙语。商女士毕业于美国加州大学伯克利分校和美国南加州大学法学院，在美国、香港和中国大陆地区等地均有工作经验，曾经获得美国 Perkins Coie 律师事务所、美国克林顿基金会和印度塔塔国际基金会等机构的多项奖励。

## Abstract

### **Alternative Dispute Resolution (ADR) in E-Commerce**

Ms. Carrie SHANG – ADR Legal Counsel of HKIAC and Acting Chief Representative of HKIAC PRC Office

Alternative dispute resolution methods including negotiation, mediation, conciliation and arbitration are gradually evolving in forms to accommodate specific needs of e-commerce activity participants. According to Census and Statistics Department, the information and communication technology (ICT) sector contributed HK\$139 billion to Hong Kong's economy in 2013; representing 6.6% of the gross domestic product (GDP). There is also a steep rise in online shopping amongst Mainland Chinese consumers, with 190 million online shoppers at the end of 2011. Thus, not only is there a rise in online consumerism in Hong Kong, but there is a growing market for online sales in Mainland China for local and international companies doing business in Hong Kong. The talk aims to cover a bunch of salient issues pertaining to ODR in this e-commerce era and access cutting-edge legal approaches towards the cyber-space, which will include:

- Foreseeable types of e-commerce disputes;
- Forms of dispute resolutions: arbitration, ADR, ODR
- Development of ODR in this region and other legal issues that might come up.

## Biography

### **Ms. Chau Wing Kay Winnie**

Ms. Chau graduated from the University of Hong Kong and obtained her Bachelor of Laws degree and Postgraduate Certificate in Laws from the University of Hong Kong. In addition, Ms. Chau has also obtained her Master of Laws Degree from the London School of Economics and Political Science and Master of Laws Degree from the Renmin University of China.

Ms. Chau is conversant in English, Cantonese and Mandarin, and she is capable of drafting English and Chinese documents. Since joining Origin Business Consultancy Company Limited, Ms. Chau is mainly involved in the management of trade marks applications and corporate compliance matters.

Before joining Origin Business Consultancy Company Limited, Ms. Chau has worked in the Registration Team of the Intellectual Property Department. During that time, Ms. Chau has assisted in the drafting of consultation documents relating to the Consultation on the Proposed Application of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) to Hong Kong by the Government, she has also advised on registrability issues relating to trade marks, and has handled ex-parte registrability hearings and inter partes interlocutory hearings (for example, time extension applications).

### **周穎琪女士**

周女士畢業於香港大學，並取得香港大學法學學士學位及香港法律深造文憑。此外，周女士亦取得倫敦大學倫敦政治經濟學院法律碩士學位及中國人民大學法律碩士學位。

周女士能操英文、廣東話及普通話，並能運用中、英文草擬文件。在加入真原商務諮詢有限公司後，周女士主要從事商標申請及公司合規方面的管理事宜。

周女士加入真原商務諮詢有限公司前曾於知識產權處註冊組工作，在該其間周女士參與了政府就《商標國際註冊馬德里協定有關議定書》建議適用於香港特別行政區諮詢文件的草擬工作、負責就商標可註冊性作出建議、負責有關商標可註冊性(單方面聆訊)的聆訊事宜以及各方之間的非正審申請(例如申請延展期限)的聆訊事宜。

## Abstract

### **Disputes Resolution of Trade Marks – Conducting Inter Partes Proceedings**

#### **解决商标争议-进行各方之间的程序**

Ms. Winnie CHAU – Intellectual Property and Compliance Director, Origin Business Consultancy Co. Ltd.

周颖琪女士-真原商务咨询有限公司知识产权及合规董事

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#### **Abstract**

Whilst bad faith trade mark applications has remained a prevalent problem in Mainland China, such problem also exist in Hong Kong even though it is not as serious as the Mainland China scenario. Conducting inter-partes proceedings (i.e. opposition proceedings) under the prescribed regime of the Trade Marks Ordinance (Cap. 559) and the Trade Marks Rules (Cap. 559A) could be an effective strategy for business enterprises against bad faith trade mark filers in Hong Kong. She will walk the audience through the procedural steps and shed lights on certain practical aspects in conducting such inter-partes proceedings.

#### **摘要**

尽管不真诚的商标注册申请在中国内地仍是一个普遍的问题，该问题亦存在于香港(即使程度上不及中国内地的那么严峻)。于《商标条例》(第 559 章)及《商标规则》(第 559A 章)的框架下进行各方之间的程序(例如反对程序)对企業而言可以是对香港的不真诚的商标注册申请人的一个有效策略。她会向各位介绍进行该等各方之间的程序步骤及某些需要注意的实际问题。

## Biography

Eugene Low

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Languages English, Cantonese, Mandarin  
Practice Group Intellectual Property



Starting off as an IP litigator, Eugene Low has developed his practice to cover the full spectrum of contentious and advisory IP and TMT work in Hong Kong and China. The experience of seeing how things went wrong enables Eugene to spot risks early, prevent problems from happening and resolve them in a practical manner.

Serving as an appointed domain name panelist and an accredited mediator also helps Eugene evaluate issues from an adjudicator's perspective. As examples, Eugene has helped clients resolve disputes in all areas of IP including copyright, patents, trademarks and domain names, through litigation, negotiations and alternative dispute resolutions (e.g. arbitration and mediation).

Eugene also advises and speaks extensively on privacy, data protection, consumer protection and advertising laws – areas which are rapidly-changing in Asia. Again, Eugene covers his clients' full needs, from screening the use of superlatives in online advertisements, to the handling of data/cybersecurity breaches and the defence of investigations by regulators. Given his diverse practice, Eugene has assisted clients from many industry sectors including technology, education, food & beverages, retail, hospitality, financial institutions, sports, gaming and entertainment.

Eugene features regularly in journals and seminars concerning intellectual property, data privacy, domain names and advertising laws. He is recognised as an outstanding practitioner by various publications including *Chambers Asia Pacific*, *Asialaw Profiles* and *Asia IP Profiles*.

Eugene speaks English, Mandarin and Cantonese.

## Abstract

### **Don't Overlook Your Domain Names**

Mr. Eugene LOW – Partner of Hogan Lovells

Content:

- Role of domain names in e-commerce and consumer protection
- Case studies
- Domain name protection: common pitfalls and best practice

## Biography



### **Dr. Angelia, Jia WANG**

Jia Wang is currently an Instructor at Hong Kong Polytechnic University Faculty of Business. Jia teaches in the areas of business law and laws relating to intellectual property and e-commerce. Her research interests cover intellectual property protection and commercialization, online privacy and Internet services providers' liability. Prior to joining PolyU, Jia was a Research Fellow at the Applied Research Centre for Intellectual Assets and the Law in Asia at Singapore Management University and Harvard University Berkman Center for Internet and Society.

## Abstract

### **Selling Internationally – When Patent Rights Exhaust in Cross-Border Ecommerce?**

Dr. Angelia, Jia WANG – Instructor at the Department of Law, Faculty of Business, Hong Kong Polytechnic University

Patent rights, like other intellectual property rights, are territorial in nature. When and where patent protection begins and ends is a matter of sovereign decision. However, with the increase of international trades and parallel imports, in particular when patent right holders having the same patent granted and protected separately in two countries, a thorny legal question arises as whether patent exhaustion should be trans-border and extended to be regional or even international? This presentation will conduct a survey of selected Asian jurisdictions and proposes a model for patent exhaustion for goods sold internationally.

## Biography

Ms. Malavika JAYARAM – Executive Director of Digital Hub Asia

Malavika is the inaugural Executive Director of the Digital Asia Hub, and Faculty Associate at the Berkman Klein Center for Internet & Society at Harvard University. Prior to her relocation to Hong Kong, she spent three years as a Fellow at the Berkman Klein Center, focusing on privacy, identity, biometrics and data ethics. A practising technology lawyer for over 15 years, she spent 8 years in London, with the global law firm Allen & Overy in the Communications, Media & Technology group and as Vice President and Technology Counsel at Citigroup. While a partner at Jayaram & Jayaram in India previously, she was one of 10 Indian lawyers selected for The International Who's Who of Internet e-Commerce & Data Protection Lawyers directory for 2012 and 2013. In 2013, she was voted one of India's leading lawyers – one of only 8 women to be featured in the “40 under 45” survey conducted by Law Business Research, London.

A graduate of the National Law School of India, Malavika has an LL.M. from Northwestern University School of Law, Chicago. She taught India's first ever course on information technology and law in 1997, and as Adjunct Faculty at Northwestern more recently: part of the Master of Science in Law program bridging STEM subjects and the law. She has been a Fellow with the Centre for Internet & Society, India, since 2009 where she helped start their privacy program. She was a Visiting Scholar at the Annenberg School for Communication, University of Pennsylvania, and has had fellowships at the University of Sydney and the Institute for Technology & Society, Rio de Janeiro. She is on the Advisory Board of the Electronic Privacy Information Center (EPIC), and the Executive Committee of the IEEE Global Initiative for Ethical Considerations in Artificial Intelligence and Autonomous Systems.

## Abstract

### **Disrupting the Disruptors? The Impact of Artificial Intelligence on E-Commerce in Asia**

Ms. Malavika JAYARAM – Executive Director of Digital Hub Asia

It's 2017. We talk to avatars, we delegate chores to virtual assistants, and our devices know our desires before they are fully formed. "Thinking machines" and e-commerce platforms, fuelled by artificial intelligence and behavioural economics, have the capacity to influence and nudge consumers in ways we don't yet fully understand. Many ethical and legal questions arise as we make our gadgets smarter, while implicit biases are embedded in platforms and systems, and "filter bubbles" proliferate. We are confronted with questions of privacy and autonomy, as service providers amass enormous amounts of sensitive personal information from online transactions. At the same time, machine learning applications are using these vast datasets to train computers, and serve customer needs in a differentiated, hyper-tailored manner. AI is also writing the news, creating art and making music. These developments have implications for authorship, creativity and ownership. Malavika will explore some of the challenges posed by AI and machine learning, as well as the opportunities for revolutionising commerce and innovation.

## Biography

### **Prof. Jyh-An Lee**

Jyh-An Lee is an Associate Professor of Law at the Chinese University of Hong Kong, where he currently serves as the Deputy Director of the LL.B. Programme and Director of the Centre for Financial Regulation and Economic Development (CFRED) in the Faculty of Law. He holds a J.S.D. from Stanford Law School and an LL.M from Harvard Law School. Dr. Lee has extensively published in English and in Chinese on various aspects of intellectual property and Internet law. His publications appear in leading academic journals, such as Vanderbilt Journal of Entertainment and Technology Law, Cardozo Arts & Entertainment Law Review, Oregon Law Review, Minnesota Journal of Law, Science, and Technology, European Intellectual Property Review (EIPR), Hastings Business Law Journal, American University International Law Review, UMKC Law Review, Jurimetrics, Washington International Law Journal, and etc. He is also the single author of two books: Coding a Free Society: Open Source Strategies for Policymakers (VDM Verlag Müller Press, 2007) and Nonprofit Organizations and the Intellectual Commons (Edward Elgar, 2012).

During his studies at Stanford Law School, Dr. Lee was appointed as the John M. Olin Fellow in Law and Economics. Prior to joining the Chinese University of Hong, he taught at National Chengchi University and was an Associate Research Fellow in Center for Information Technology Innovation at Academia Sinica in Taiwan. He was the Legal Lead and Co-Lead of Creative Commons Taiwan (2011-2014) and an advisory committee member for Copyright Amendment in the Taiwan Intellectual Property Office (TIPO) at the Ministry of Economic Affairs (2011-2014). Professor Lee is currently a member of the advisory board of the European Center for E-Commerce & Internet Law affiliated with University of Vienna. Dr. Lee is also the Director of Academic Committee in the Asia Innovation and Intellectual Property Society. Before starting his academic career, he was a practicing lawyer in Taiwan specializing in technology and business transactions.

## Abstract

### HAVE YOU TRADEMARKED YOUR CHINESE NAME? TRADEMARK PROTECTION FOR CHINESE TRANSLATION OF FOREIGN MARKS IN CHINA

Prof. Jyh-An LEE – Associate Professor of Faculty of Law, The Chinese University of Hong Kong

The choice of a local brand name or the translation of trademark into local language is a critical decision for multinational enterprises (MNEs) when introducing their products to a foreign market. A well-designed local brand name can effectively help its holder enter into the local market, whereas it is also common to see branding mistakes, ranging from “Nova” meaning “no go” in Spanish to Clairol’s “Mist Stick” implying “manure” in German. Branding initiatives in foreign markets concern not only a company’s marketing strategy, advertisement resources allocation, and corporate identity, but also complicated trademark issues. Managers in MNEs need to develop a recognizable and resonant local brand name for the subject market, and to understand the trademark issues associated with it.

China has been a market that interests tremendous amount of MNEs since it was open in 1979. Multinational enterprises’ interest in entering the Chinese market significantly increases in recent years along with the economic reform, which enables more and more Chinese consumers buy more expensive foreign products of higher quality. Consequently, MNEs have faced the problems for local branding and associated trademark disputes in China. Some of them failed with their brand name in China because they did not understand local consumers or overvalued consumers’ presumed brand loyalty, whereas some others neglected the accompanying trademark issues. If foreign companies fail to register their marks in Chinese, other parties may free ride on their marks by using translations or transliteration of such marks. This paper focuses on a number of high-profile trademark cases involving the Chinese translation of foreign marks, including Michael Jordan, New Balance, Starbucks, Viagra, etc. It investigates the relations between unfair competition law, civil law doctrines (name right and good faith), and trademark rules (well-known mark and distinctiveness).

## Biography

### **Dr. Danny FRIEDMANN - Founder & Editor of IP Dragon; Independent Researcher/Lecturer of Intellectual Property Law**

Danny Friedmann is a researcher / lecturer of intellectual property law and the Castetter Visiting Scholar at the California Western School of Law in San Diego. Previously he was Research Associate, Lecturer and Tutor at the Chinese University of Hong Kong. Friedmann received his PhD in Laws from the Chinese University of Hong Kong in 2013, his LLM from the University of Amsterdam, the Netherlands in 2006. Friedmann received the Post Graduate Research Output Award 2013 from the Chinese University of Hong Kong. Friedmann has been involved with WILMap of the Stanford Center for Internet and Society since 2014. His monograph, called 'Trademarks and Social Media, Towards Algorithmic Justice' was published by Edward Elgar Publishing in 2015. His peer-reviewed articles are published by Journal of Intellectual Property Law and Practice (Oxford University Press), European Intellectual Property Review, Benelux Trade Marks and Design Rights (BMM) Bulletin and GRUR Int. His book chapter on Google and China was quoted by the Advocate General of the Court of Justice of the European Union in Google Spain C-131/12 in 2013. His blog called IP Dragon, <http://ipdragon.org>, which he founded in 2005, is widely read. In 2015 Friedmann became member of the Editorial Board of the Journal of Intellectual Property Law and Practice. Since 2016, he is Principal Commentator at the University of Macau for the external examination of oral defenses of theses. Email: [ipdragon@gmail.com](mailto:ipdragon@gmail.com)

## Abstract

### **Clash of the Old and the New World of Wine in China, A Case Study of Competition, Innovation and Prosecco**

Dr. Danny FRIEDMANN - Founder & Editor of IP Dragon; Independent Researcher/Lecturer of Intellectual Property Law

In its push for international acceptance of product names on its “claw back” list as geographical indications (GIs), the EU is on an offensive to make this happen via the Lisbon Agreement, the Geneva Act of the Lisbon Agreement, bilateral trade agreements and a strategy of awareness-raising campaigns. This article will use the latter methods in relation to Italian wine GIs in the People’s Republic of China (China) to illustrate the impact this will have on consumer information, innovation and competition.

In China, GIs can be accepted, registered and protected by three government institutions: General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), Trademark Office (TMO) and the Ministry of Agriculture. However, the latter is exclusively for domestic GIs. In 2005, AQSIQ announced in Article 26 Provisions for the Protection of Products of Geographical Indication, that measures would be drafted which would make it possible for foreign GI owners to apply for and register their GIs in China.<sup>1</sup> But only in March 2016, AQSIQ actually issued these measures.<sup>2</sup>

In 2013, China and the EU drafted a list of EU GIs that are to be included in a bilateral trade agreement on GIs.<sup>3</sup> This list has not changed ever since. The EU expects to conclude the negotiations for the agreement in the first half of 2017.<sup>4</sup> After the conclusion of the agreement, the GIs will be published for opposition.

The potential adverse effects on consumer information and innovation of the inclusion of a name as a GI can be illustrated by the ‘Prosecco’ case. Historically, ‘Prosecco’ is the name of a grape variety and a geographical location in the north-east of Italy on the border with Slovenia. To have a grape variety that coincides with the name of a geographical location did not sit well with the Italian and EU wish to use the name exclusively as a GI. Therefore, the EU Commission renamed the grape variety in 2009 by decree, from ‘Prosecco’ to ‘Glera’.<sup>5</sup> Consequently, in the EU, ‘Prosecco’ is only allowed to be used as a GI. In addition, the EU struck bilateral trade agreements with Canada, Chile, South Africa and Vietnam to make sure

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<sup>1</sup> Provisions for the Protection of Products of Geographical Indication, AQSIQ, 16 May 2005, available at: <http://www.wipo.int/edocs/lexdocs/laws/en/cn/cn041en.pdf> (Chinese).

<sup>2</sup> Notice on the Protection of Foreign Geographical Indication Products, AQSIQ, 28 March 2016, available at: [http://kjs.aqsiq.gov.cn/dlbzcpbh wz/zcfg/zxzcxx/201604/t20160413\\_464279.htm](http://kjs.aqsiq.gov.cn/dlbzcpbh wz/zcfg/zxzcxx/201604/t20160413_464279.htm) (Chinese). Article 7 states that the original applicant for the protection of a GI in the country of origin or region where the product is located can apply at AQSIQ.

<sup>3</sup> List of EU GIs to be included in bilateral trade agreement with China, available at: [http://www.origin-gi.com/images/stories/PDFs/English/Bilaterals/Copie de 2013\\_01\\_31\\_ChinaEUGI262shortlist.pdf](http://www.origin-gi.com/images/stories/PDFs/English/Bilaterals/Copie de 2013_01_31_ChinaEUGI262shortlist.pdf).

<sup>4</sup> EU Commission, ‘EU and China discuss trade, investment, overcapacity and cooperation on state aid control at the 6th High-level Economic and Trade Dialogue’, 18 October 2016, available at: [http://europa.eu/rapid/press-release\\_IP-16-3441\\_en.htm](http://europa.eu/rapid/press-release_IP-16-3441_en.htm). See also the answer given by Phil Hogan on behalf of the Commission in the Parliamentary Questions, 16 February 2016, available at: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2015-015063&language=EN>.

<sup>5</sup> Commission Regulation (EC) No 1166/2009 of 30 November 2009 amending and correcting Commission Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.

## Abstract

that the name ‘Prosecco’ cannot be used for the grape variety. Interestingly, the sparkling wine ‘Prosecco’ does not actually originate from Prosecco, which is a suburb of Trieste. Instead, it originates from the hectares of land between Conegliano and Valdobbiadene. Strictly speaking, one can argue that the use of the name ‘Prosecco’ as a GI is overbearing: GI’s function as a geographical source-indicator does not apply. Also, the prohibition of the name as a grape variety is making it cloudy instead of clear for consumers to learn about the ingredients of the wine they would like to drink, and is not conducive for competition. It also stifles innovation, since producers that are allowed to use the ‘Prosecco’ name according to the EU, are put in a straitjacket in regard to the rigid manufacturing process.

Despite the adverse effects on consumer information, product innovation and competition, the Italian government and the EU pursue the acceptance of ‘Prosecco’ as a GI. Encouraged by the successes of the *Comité Champagne*, which is protecting the GI ‘Champagne’, a Consortium was founded for the GI ‘Prosecco’.<sup>6</sup> Following in the footsteps of the *Comité Champagne*, which got the ‘Champagne Hillsides, Houses and Cellars’ recognized as UNESCO World Heritage Site in 2015, the Consortium applied for the inclusion of the ‘Prosecco Hills of Conegliano and Valdobbiadene’, in 2010.<sup>7</sup> The strategy here is to link the source of origin of the sparkling wine, namely the region between Conegliano and Valdobbiadene with the name ‘Prosecco’. This could facilitate the recognition of the name of the latter as a GI in China.

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<sup>6</sup> *Consorzio di Tutela Prosecco DOC* (Consortium).

<sup>7</sup> On 13 May 2017, the Prosecco Hills of Conegliano and Valdobbiadene are still candidate for the UNESCO World Heritage list.

## Biography

Dr. Hong LOU – Partner of Sincere Partners & Attorneys (Shenzhen); Council Member of Hong Kong Institute of Patent Practitioners Limited

Dr. Hong Lou a Council Member of the Hong Kong Institute of Patent Practitioners Limited. He is a Partner of Sincere Partners & Attorneys in Shenzhen. Specialized in IP law, Dr. Lou holds the degree of Doctor of Juridical Science (JSD) and is a Senior Research Associate in the School of Law, City University of Hong Kong. Before doctorate, he conducted research and study in University College Dublin in Ireland and Emory University in the US. Further, Dr. Lou practices as a Mediator of Shenzhen Nanshan People's Court, the General Secretary of Belt and Road International Lawyers Union Limited, the Chinese Legal Consultant of Hong Kong General Chamber of Cross-border E-commerce, and the Council Member of Belt and Road International Committee of Shenzhen Lawyers Association. Dr. Lou is the first lawyer qualified as the “Peacock Plan” High-Level Oversea Talent by the Shenzhen Government.

## Abstract

### **Protection of Unregistered Trademarks against Hostile Pre-Emptive Registrations From Chinese and Comparative Perspectives**

As China integrates further into the global economy, closer business connections have been established and developed between China and the rest of the world. As important preparations for market entry, trademarks must be registered in target markets, in accordance with the territoriality prescribed by trademark laws. However, parallel to this market demand, a significant problem of hostile pre-emptive registration of trademark has emerged. On one hand, large number of foreign companies, including some world famous ones, surprisingly found their trademarks had been pre-emptively registered by some Chinese competitors or speculators before launching their marketing in China. On the other hand, some Chinese companies have faced similar problems as well, including some Chinese traditional cultural brand. This talk explains the current difficulties of trademark registration and protection in China and some other jurisdiction, and alerts businesses on the best strategy to protect their trademarks

## Biography



**黄晖 / HUANG Hui**

万慧达北翔集团高级合伙人，商标法博士，国家知识产权战略专家库专家，首批全国知识产权领军人才之一（共八十一人），现任中国社会科学院知识产权中心兼职研究员，法国斯特拉斯堡大学国际工业产权研究中心客座教授，中国政法大学法律硕士学院兼职教授，北京市人民检察院第一分院行政与知识产权检察工作专家咨询委员等职。

从业多年，凭借雄厚的专业实力，黄晖办理或指导办理了千余件知识产权案件，其经办的诸多诉讼案件，已成为知识产权界的经典案例，在国内外均产生深远的影响。作为商标法方面的专家，黄晖曾参与国家知识产权战略的制定，并参与过商标法多个知识产权法律、法规、司法解释、规范性文件的制定或修改。

因其卓越的专业实力，黄晖数度当选《世界商标评论》（World Trademark Review）（2011-2017年）中国区商标业务杰出个人，荣登 Legal500 力荐律师榜《Legal500 亚太专刊》（2015-2017年），并被知名英媒《知识产权管理》（Managing Intellectual Property）评选为中国区“知识产权之星”（2015-2017年）。

HUANG Hui is a Senior Partner of Wanhuida Peksung, a leading IP service powerhouse formed by the merger of Wan Hui Da Law Firm & IP Agency and PEKSUNG IP Ltd. in November 2016. Dr. HUANG is a multi-faceted intellectual property counsel with stellar academic credentials on China's trademark legislation and practice and a veteran lawyer representing clients in all levels of Chinese courts up to the Supreme People's Court in a wide variety of IP litigations, some of which have become landmark cases.

On account of his expertise in the Trademark Law, Dr. HUANG has been vigorously involved in the initial drafting and subsequent amendments to China's major trademark-related laws, regulations, judicial interpretations, as well as regulatory documents.

Dr. HUANG authors or co-authors a dozen publications, including “Zheng Chengsi IP Anthology – Trademark & Unfair Competition”, “Trademark Law”, “Legal Protection for Well-known and Famous Marks”, “Intellectual Property in European Union”, as well as the “Trademark Laws of Twelve Nations”. He translates the “Intellectual Property Code of France” (Legislative Part) and has been the executive editor of “China Trademark Report” since 2003.

He was elected Chair of the China Trademark Office Subcommittee of the INTA Trademark Office Practices Committee for the 2014/15 term.

## Mr. Wellsey Yu

一、姓名 (Name)：余昱辰 (Wellsey Yu)

二、任職單位/職稱 (Company/Position)：

威爾立國際智權顧問有限公司 總經理

Wellsey International IP Consulting Co.Ltd. CEO

三、榮耀 (Honor)：

2014 台灣 第一屆總統創新獎 (個人獎/主題: 專利服務創新)

2014 1st Taiwan Presidential Innovation Award (Individual Prize)

四、簡介 (Brief Introduction)：

- 引入 Philips 與 Apple 專利常勝軍專利布局手法，並依臺灣客觀環境量身打造「主動式三維度專利布局法」，發展創新服務模式，改良傳統專利分析模式，運用新科技打造專利分析平台，服務台灣 LED 指標公司與國際大廠交互授權。
- 開發專利分析平台，協助臺灣產業監控國際重要專利與訴訟判決，提供企業合作深度的專利分析，讓 LED 產業近年雖仍受國際上專利的攻擊，仍能爭取在 IP 上的勢均力敵地位，成果深受客戶滿意，多次循環合作，是 台灣朝技術自主努力方向下，僅有的服務創新典範案例 (摘錄自台灣總統府新聞稿 2014.07.03)。
- 協助有大志向的客戶策略轉型，脫胎換骨為大型 ODM 或品牌公司時，在 IP 上所需要的資源配置、系統/流程/團隊建置/與研發獎勵制度的導引。  
協助評估合適搭配的專利代理人，結合其主商業策略執行對應的 IP 策略。

When Wellsey took over his patent role in Taiwan LED industry, there was a large gulf between Taiwan and Western in terms of their patent strategy concepts. Taiwan domestic academic and research units lacked a "systemic solution," so their impact to the industry were limited. To overcome this problem, Wellsey set up a special work force that adopted novel approaches in patent strategic arts and created a patented patent analysis platform (software + methodology), compared to the conventional method used by ITRI. Wellsey made his IP team, R&D colleagues, domain experts and industry staffs work closely integrated to channel their resources under his direction of "Dynamic-3D Patent Layout Methodology + Patent Positioning Analysis". Once if the two were combined, the effectiveness of the overall framework would be revealed. Wellsey's Taiwan customers ended up cross-licenses with foreign giant competitors and won many significant battles in cross boarder patent disputes. This innovative service model was the only successful story in Taiwan and Wellsey was awarded the 1st Taiwan Presidential Innovation Award in 2014.

## Biography

**Prof. Yitao Wang** is Chair Professor and Director of the Institute of Chinese Medical Sciences (ICMS) at the University of Macau (UM), the Director of State Key Laboratory of Quality Research in Chinese Medicine (UM), and Co-Chair & General Secretary of Chinese Joint Research Centre for Drug Discovery and Development (Peking University, National Taiwan University, University of Hong Kong and UM). As the founding Director of the ICMS at the UM and the State Key Laboratory of Quality Research in Chinese Medicine (UM), Prof. Wang is known internationally for his pioneering contributions to the modernisation of Chinese medicine (CM), with an emphasis on systematic evaluation and quality control of CM. He has a long-standing interest in integrating CM research with the cutting-edge areas of systems pharmacology and molecular pharmaceuticals. In the past decade, he has published 260 research papers in international peer-reviewed journals included in Science Citation Index (SCI) with a notable h-Index of 36, (co-)edited 16 academic books, and supervised 100+ PhD/MSc graduates and 20 postdoctoral researchers.

Prof. Wang obtained his Bachelor degree (Medical Sciences, 1982) from Chengdu University of Chinese Medicine (CUCM), and completed his postgraduate study (Pharmacology, 1986) at Chongqing Medical University. After working as Visiting Scholar at Hiroshima University in Japan, he returned to CUCM in 1989 where he contributed to mark several firsts in the history of CM – by establishing the first state key subject in CM education, the first Bachelor programme in Pharmacology of CM, the first postdoctoral training programme in CM, as well as the first “National training base for talents in science – CM”. He served in turn as Dean and Vice President of CUCM, and moved in 1996 to Beijing to take the post of Vice President and Director of Chinese Academy of Chinese Medical Sciences, where he became in 1999 the Chief Scientist for China’s first National Basic Research Program of China (973 Program) in the field of CM. In 2000, Prof Wang was appointed Professor and Director for the CM Programme at the Hong Kong University of Science and Technology (HKUST).

In 2002, Yitao set off for Macau and founded the ICMS at UM, which has in 10 years evolved to be a promising academic hub to provide complete programmes from BSc, MSc, PhD to postdoctoral training in Biomedical Sciences. In 2008, together with other local experts, he drafted the proposal to launch the first state key laboratory in CM. This application was approved in 2010 by the Ministry of Science and Technology of China, which announced to establish in Macao the State Key Laboratory of Quality Research in Chinese Medicine, as

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China's first state key laboratory in CM. In 2012, he initiated the creation of the Chinese Joint Research Centre for Drug Discovery and Development among Peking University, National Taiwan University, University of Hong Kong and UM, a strategic partnership to mark the first substantial collaboration in science and technology among the four most elite universities in the Greater China region. In line with these accomplishments, Yitao has also initiated joint training programmes and academic collaborations with world-renown universities (e.g. Harvard University, Yale University, University of Chicago and Cambridge University) and organisations (like the World Health Organisation and the US Pharmacopeial Convention).

Prof Wang has been awarded over 30 major funding grants from national, provincial, and special administrative regional administrations. These supports include the prestigious National Basic Research Programme (973), Mega-projects of Scientific Research for 10th Five-Year Plan, China Ministry of Education Key Project, Macao S&T Development Fund, among others. Only in the period between 2010 and 2014, he has been awarded 28 million MOP research funding (20 million of which were obtained externally). His outstanding achievements in academic service have also been recognised by 11 prestigious awards, including the Special Allowance for Experts with Outstanding Contribution from the National Council (1993), National Science and Technology Progress Award (1998), National Intellectual Property Outstanding Achievement Award (1998), Macau Medal of Merit – Education (2011) and 1st Macao Science and Technology Awards - Natural Science Award (2012). In addition, Yitao holds adjunct appointments as Director of International Research Centre of Medicinal Administration at Peking University and as adjunct professors / visiting scholars at numerous universities worldwide, and was elected General Secretary for the International Society for Chinese Medicine and Deputy Secretary for the World Federation of Chinese Medicine Societies. In addition, Yitao serves on several of China's national committee panels including National Science and Technology Programmes, National Basic Research Programme (973), National Natural Science Foundation, the State Science and Technology Awards and National Centre for Drug Evaluation.