

Arthur DONG | Partner

Education

- China University of Political Science and Law, Ph. D
- Law School of Temple University, LL. M
- China University of Political Science and Law, LL. B.

Professional Association

- Arbitrator, CIETAC (China International Economic and Trade Arbitration Commission)
- Arbitrator, CMAC (China Maritime Arbitration Commission)
- Arbitrator, ACAS (The Arbitration Center Across the Straits)
- Arbitrator, HKIAC (Hong Kong International Arbitration Center)
- Arbitrator, BAC (Beijing Arbitration Center)
- Arbitrator, SHIAC (Shanghai International Arbitration Center)
- Arbitrator, SIAC (Singapore International Arbitration Center)
- Arbitrator, KCAB (Korean Commercial Arbitration Board)
- Arbitrator, AIAC (The Asian International Arbitration Centre)
- Arbitrator and Mediator, WIPO (World Intellectual Property Organization Arbitration and Mediation Centre)
- Member, ICC Commission on Arbitration and ADR
- Member, ICC Commission on Commercial Law and Practice
- Co-Reporter for China, ITA (The Institute for Transnational Arbitration)
- Research Fellow, Institute of International Arbitration, Renmin University of China

Honor & Recognition

- Leading Practitioner in the Field of Arbitration- Chambers & Partners 2015 - 2019
- Leading Lawyer in Dispute Resolution & IP - *Asialaw* 2016 – 2020
- *Who's Who Legal: Arbitration* (2019)
- Leading Lawyer in in Dispute Resolution - *The Legal 500*, 2017 – 2019
- Dispute Resolution Star in Commercial and Transactions - *Benchmark Litigation Asia- Pacific* 2019



Key Areas of Practice

International Dispute Resolution
International Trade and Investment
International IP Protection

Qualification

China

Language

Chinese, English

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Representative Matters

Arthur has worked as a PRC lawyer for more than 20 years. He has focused on complex matters of international commercial arbitration and litigation in relation to cross-border transactions. His expertise covers a wide spectrum, including: international trade, technology transfer and intellectual property protection, cross-border investments, antitrust private litigation and M&A, as well as distribution and franchise disputes.

Arthur has been enrolled in the listed Panel of Arbitrators/Mediators of several well-established arbitration institutions. Arthur is a sought after arbitrator among the Asia-Pacific arbitration institutions.

He has been acting as legal counsel or arbitrator under the CIETAC Rules, BAC Rules, SHIAC Rules, ICC Rules, UNCITRAL Rules, HKIAC Rules, SIAC Rules, SCC Rules, ICDR Rules, etc.

He has also been invited to act as an expert witness on Chinese law in several arbitration and litigation cases outside of China.

International Commercial Arbitration

Arthur has accumulated a wealth of experience in international commercial arbitration. Recent cases whereby he has acted as advocate for the parties in arbitration proceedings include:

- Representing a Chinese home appliance giant in an HKIAC arbitration arising from a patent license agreement with an American hi-tech company. The dispute amount exceeds 40 million US dollars;
- Representing Chinese parties in several SIAC arbitration cases involving the international sales of bulk cargo;
- Representing Chinese parties in a couple of HKIAC arbitration cases involving cross-border M & A disputes;
- Representing a Chinese manufacturer of wind power of generator in a SCC arbitration case. Achieved a favorable settlement;
- Representing a Chinese agricultural company in ICC arbitration against a European company for a complicated dispute relating to a NPV (New Plant Variety) and agricultural technology transfer. Achieved a favorable settlement;
- Representing a Chinese company along with a British law firm in ICC arbitration for an EPC contract dispute against a U.S. conglomerate. The sum in dispute notably exceeded USD 400 million, a record amount in ICC arbitration involving a Chinese party;
- Representing an enterprise directly controlled by the central government of

China in a CIETAC arbitration applying UNCITRAL Rules for a technology consulting agreement dispute against a Panamanian company for an aerospace project. The sum in dispute was almost USD 6 million;

- Representing a Chinese company in CIETAC arbitration for a technology transfer agreement dispute against a multinational technology company. The sum in dispute exceeded USD 25 million;
- Representing a BVI company in arbitration for a share purchase agreement dispute against a Chinese company. The sum in dispute exceeded USD 11 million;
- Representing a NYSE-listed company in a series of equipment purchase contract disputes before CIETAC and the Beijing Arbitration Commission;
- Representing a US insurance company in CIETAC arbitration against a Chinese logistics company. The sum in dispute exceeded USD 1.5 million;
- Representing a Singapore-based petrochemical company in a CIETAC arbitration against a Chinese state-owned company in a large-stake dispute arising from the international sale of chemical products;
- Representing a Chinese national trading company in CIETAC arbitration for an industrial equipment sales agreement dispute against a Pakistani company. The sum in dispute exceeded USD 25 million.

His other experiences in providing commercially astute legal advice for domestic and international clients include:

- Advising a WOFE, an arm of a Fortune 500 chemical company, in SIAC arbitration for a dispute arising from a distribution agreement with a German company;
- Advising a Chinese bridge engineering company during its ICDR arbitration against an American equipment importer;
- Advising a European high-tech company in an arbitration arising from a dispute in an equity joint venture agreement with a Chinese IT company before HKIAC;
- Advising five Chinese companies on ICC arbitration cases against an Australian bank for a CER (Certified Emission Reductions) transaction dispute under CDM (UN Clean Development Mechanism);
- Advising a Chinese state-owned mining company in KLRCA arbitration on a long-term sales agreement dispute in which the local court had granted an injunction;
- Advising a Japanese company in SIAC arbitration against a Chinese state-owned chemical company for a dispute arising under the equipment

sales contract;

- Advising a Chinese publicly-listed home appliance company in ad-hoc arbitration in India for a distribution agreement dispute.

Arthur has served as counsel in more than 30 cases concerning the recognition and enforcement of arbitral awards in different jurisdictions pursuant to the New York Convention; clients include a number of Fortune 500 Companies.

Foreign Related Commercial & IP Litigation

His experience of acting as counsel in court trial proceedings includes:

- Representing a Japanese multi-national enterprise before Chinese court for a high profile private antitrust litigation matter against four Chinese plaintiffs;
- Representing a world-leading IT Services Company in multiple litigation cases arising from a single technology service dispute against an enterprise directly controlled by the Chinese central government and its subsidiaries. Due to the successful outcome of the first case in a series of disputes consisting of more than 20 cases, Arthur procured a favorable global settlement on the remaining cases. The sum in dispute exceeded RMB 100 million;
- Helping a European Fortune 500 chemical company win its defamation litigation against a competitor defendant. The client's corporate and brand reputation was preserved through Arthur's well-designed litigation strategy.
- Representing a Fortune 500 chemical manufacturer in several trade secret infringement cases against its former Chinese employees and Chinese competitors by initiating criminal, administrative, and civil procedures. The sum in dispute exceeded RMB 200 million;
- Retained by the Chinese central government in a copyright infringement, trade secret misappropriation, and unfair competition case in the Central District Court of California against an American software developer. The sum in dispute is USD 2.2 billion;
- Representing a world-renowned wine producer from France in a trademark cancellation case before the Supreme People's Court of China;
- Representing a national sport association in a successful trademark ownership litigation before the Supreme People's Court of China;
- Representing a famous Chinese software developer in a number of cases arising from software development dispute before Chinese courts;
- Representing a global leader in the floor and ceiling manufacturing industry

from the United States in a series of successful trademark ownership/infringement cases against its competitors in China.

Publications

- Document Production in International Arbitration, *China Business Law Journal*, 2019
- Interim Measures in China Related Arbitration, *China Business Law Journal*, 2018
- Parallel Proceedings: China Litigation to Contest Offshore Arbitration, *Thomson Reuters*, 2018
- Challenges to Arbitral Awards in China, *LexisNexis*, 2018
- Enterprises in China's FTZs Enter 2017 with New Options for Arbitration, *Kluwer Arbitration Blog*, 2017.
- Allocation of Costs in Arbitration a Chinese Perspective, *Thomson Reuters*, 2017.
- Corraling Defaulting Parties and their Unpaid Costs Deposits under the SIAC Rules 2016, *Kluwer Arbitration Blog*, 2017.
- Arbitrability of PPP disputes in China, *IBA Newsletter*, 2016.
- Public Policy Defense in the Recognition and Enforcement of Foreign Arbitral Awards (Co-author), *Arbitration and Law*, 2016.
- Chinese Arbitration Law, Co-Editor, *LexisNexis*, 2015.
- Abuse of Process and Regulation in Commercial Arbitration-A Chinese Perspective, *Journal of Arbitration Studies*, 2015.
- Challenging Jurisdiction and Anti-suit Provisions in China's Arbitration Practice, *LexisNexis*, 2015.
- Supreme People's Court Further Clarifies the Criteria for Determining the Validity of Foreign Related Arbitration Clauses, *China Business Law Journal*, 2015.
- Interim Measures in Support of Commercial Arbitration in China, *LexisNexis*, 2015.
- Reflections on HKIAC's Revised Model Arbitration Clause and Its Impact on Chinese Practice, *Kluwer Arbitration Blog*, 2014.
- Does Supreme People's Court's Decision Open the Door for Foreign Arbitration Institutions to Explore the Chinese Market? (Co-author), *Kluwer Arbitration Blog*, 2014.
- Is an Infringement Claim within the Scope of Arbitration Clause under Laws of PRC? (Co-author), *Kluwer Arbitration Blog*, 2014.
- Significant Changes Proposed in Beijing Arbitration Commission's ('BAC')

New Rules, *LexisNexis*, 2014.

- Ten Highlights of the China (Shanghai) Pilot Free Trade Zone Arbitration Rules, *LexisNexis*, 2014.
- U.S. Court Upholds the Finality and Enforceability of an Award Rendered by Emergency Arbitrator, *LexisNexis*, 2014.
- China Supreme People's Court Holds That a Dispute Must Meet "Foreign-Related" Requirement for Arbitration at Foreign Arbitration Forums, *LexisNexis*, 2013.
- Recognition and Enforcement of Foreign Arbitration Awards in China, *China Business Law Journal*, 2013.
- Basic Research on the Competence - Competence Rule, *Forum on Arbitration and Judicial Review*, 2013