



Arthur X. DONG

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CONTACT INFORMATION

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PRACTICE AREAS

International Dispute Resolution

International Trade and Investment

International IP Protection

RECOGNITION

Leading Individual in the Field of Arbitration

- *Chambers Asia-Pacific* 2015

EDUCATION

China University of Political Science and Law (2009) Ph. D

Law School of Temple University, USA (2006) LL. M

China University of Political Science and Law (1992) LL. B

PROFESSIONAL AFFILIATIONS

- ◆ Committee Member, ICC Commission on Commercial Law and Practice (CLP)
- ◆ Arbitrator, CIETAC (China International Economic and Trade Arbitration Commission)
- ◆ Arbitrator, SHIAC (Shanghai International Arbitration Center)
- ◆ Arbitrator, HKIAC (Hong Kong International Arbitration Center)
- ◆ Arbitrator, SIAC (Singapore International Arbitration Center, IP Panel)
- ◆ Arbitrator and Mediator, World Intellectual Property Organization Arbitration and Mediation Centre (WIPO)
- ◆ Arbitrator and Mediator, KLRCA (Kuala Lumpur Regional Centre for Arbitration)
- ◆ Council Member, China Academy of Arbitration Law
- ◆ Adjunct Professor, China University of Political Science and Law

- ◆ Vice Chair, Intern'l Trade and Investment Committee, Beijing Lawyers Association

SELECTED EXPERIENCE

- ◆ Arthur has worked as a PRC lawyer for almost 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, as well as distribution and franchise disputes.
- ◆ Arthur has acted as Chinese legal counsel for a large number of well-known multinational companies to settle their commercial disputes in China and abroad through arbitration, litigation, or mediation.
- ◆ Arthur has handled a number of arbitration and litigation cases arising from international business transactions on behalf of state-owned enterprises and private companies of China, and has helped Chinese businesses to settle a number of off-shore disputes regarding overseas investment and trade.
- ◆ Arthur has been enrolled in the listed Panel of Arbitrators of several well-established arbitration institutions. Arthur is a sought after arbitrator among the Asia-Pacific arbitration institutions. He has also been invited to act as an expert witness on Chinese law in several arbitration and litigation cases outside of China.
- ◆ Arthur has accumulated a wealth of experience in international commercial arbitration. The recent cases whereby he has acted as advocate for the parties in arbitration proceedings include, but are not limited to:
 - ✓ Represented a Chinese agricultural company in ICC arbitration against an European company for a complicated dispute relating to NPV (New Plant Variety) and agricultural technology transfer. A favorable settlement got reached for client;
 - ✓ Represented a Chinese company along with a British law firm in ICC arbitration for an EPC contract dispute against an U.S. conglomerate. The sum in dispute notably exceeded USD 400 million, a record setting amount in ICC where a Chinese party is involved;
 - ✓ Represented an enterprise directly controlled by the central government of China in CIETAC arbitration applying UNCITRAL Rules for a technology consulting agreement dispute against a Panamanian company for an aerospace project. The sum in dispute almost USD 6 million;

- ✓ Represented 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;
- ✓ Represented an Canadian company in CIETAC arbitration for a steel pipeline sales dispute against a Chinese company;
- ✓ Represented a BVI company in arbitration for a share purchase agreement dispute against a Chinese company. The sum in dispute exceeded USD 11 million;
- ✓ Represented a NYSE-listed company in several debt-collection matters before CIETAC and Beijing Arbitration Commission;
- ✓ Represented a US insurance company in CIETAC arbitration against a Chinese logistic company. The sum in dispute exceeds USD 1.5 million;
- ✓ Represented a Singapore based petrochemical company in the arbitration against a Chinese state owned company in a large stake dispute arising from the international sale of goods;
- ✓ Represented a Chinese national trading company in CIETAC arbitration for an equipment sales agreement dispute against a Pakistani company. The sum in dispute exceeded USD 25 million;
- ✓ Represented a Chinese company in CIETAC arbitration for a chemical product distribution dispute with a Japanese company. The sum in dispute exceeded USD 3.5 million;
- ◆ His other experiences of providing commercially astute legal advice for domestic and international clients include, but are not limited to:
 - ✓ Advised a WOFE, which was invested in by a Fortune 500 chemical company, in SIAC arbitration for dispute arising from distribution agreement with a German company;
 - ✓ Advised a French company in an arbitration arising from a dispute in a equity joint venture agreement with a Chinese IT company before HKIAC;
 - ✓ Advised a Chinese company on five ICC arbitration cases against an Australian Bank for CER (Certified Emission Right) transaction dispute;

- ✓ Advised a Chinese state-owned mining company in KLRCA arbitration on a long term sales agreement dispute in which the local court granted an injunction;
- ✓ Advised a Japanese company in SIAC arbitration against a Chinese state-owned chemical company for a dispute arising under the equipment sales contract;
- ✓ Advised a Chinese public-listed home appliance company in ad-hoc arbitration in India for a distribution agreement dispute; and
- ♦ Arthur has served as counsel in more than 30 cases of recognition and enforcement of arbitral awards in different jurisdictions pursuant to the New York Convention; clients include a number of Fortune 500 Companies.
- ♦ His experience of acting as counsel in court trial proceedings includes, but is not limited to:
 - ✓ Represented 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;
 - ✓ Represented 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 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;
 - ✓ Represented a world renowned wine producer from France in a trademark cancellation case before the Supreme People's Court of China;
 - ✓ Represented a national sport association in a successful trademark ownership litigation before the Supreme People's Court of China;

- ✓ Represented a famous Chinese software developer, in a number of cases arising from software development dispute before Chinese courts;
- ✓ Represented a global leader in floor and ceiling manufacturing industry from the United States, in a series of successful trademark ownership/infringement cases against its competitors in China.

SELECTED PUBLICATIONS

- ◆ 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.
- ◆ The Abuse of Arbitration Process and its Correction, *Collected Thesis of China Arbitration Society Annual Meeting*, 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.
- ◆ Case Study on State Immunity Doctrine, *Seminar of Chinese Society of International Law*, 2012.
- ◆ Legal Points for Attention When Investing Abroad (Co-author), *China Lawyers*, 2012.
- ◆ A Study on the Exchange of Traffic Rights, *IP Press*, 2010.
- ◆ Legal Research on the Network Banking System (Co-author), *IP Press*, 2009.
- ◆ The Conflict Between the Dispute Resolution Clause Contained in Bilateral Investment Treaty and Concession Contract and Its Solution, *Arbitration and Law*, 2008.
- ◆ Study on Substantial Ownership and Effective Control Clause in Bilateral Aviation Agreement (Co-author), *China Lawyers*, 2008.
- ◆ On Diplomatic Protection of Outbound Chinese Investment (Co-author), *Heibei Law Science*, 2007.
- ◆ The Conditions to Carry out Diplomatic Protection on Multi-national Companies, *Tribune of Social Sciences*, 2007.
- ◆ Denial of Justice and State Responsibility, *China Lawyers*, 2007.
- ◆ To Become BIT Experts in Outbound Investment (Co-author), *China Enterprise News*, 2007.
- ◆ A Probe into the Binding Force of Arbitration Clause Included in the Bill of Lading, *China Maritime Law Gazette*, 2005.
- ◆ Legal Points for Attention When Signing and Performing Contracts for the International Sale of Goods, *China Trade News*, 2005.
- ◆ Solutions for the Problems Arising from Sino-Foreign Joint Venture, *Economic Relations and Trade*, 2004.
- ◆ Be Cautious: Jurisdictional Traps in the Marine Bill of Lading (Co-author), *Economic Relations and Trade*, 2002.

- ♦ A Revisiting of the Arbitration Agreements in Light of New *Contract Law* of China, *Arbitration and Law*, 2001.
- ♦ Trade Companies: The Dilemma Status of Middlemen and Solutions (Co-author), *Economic Relations and Trade*, 2001.
- ♦ Accession to WTO of China: Reflection of an Attorney, *International Business*, 2001.
- ♦ Presentation with Discrepancies under Letter of Credit: Right to Refuse to Accept and Pay by the Buyer or not? *International Business*, 2000.
- ♦ Approaches for the Resolution of International Commercial Disputes, *International Business*, 2000.