



YANG Chen

Managing Partner/Director

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Language: Mandarin, English

Practice Area: CROSS BORDER INVESTMENT、ANTI-MONOPOLY、INTERNATIONAL TRADE AND WTO、CROSS-BORDER DISPUTE RESOLUTION

Professional Experience

Mr. Yang has specialized in handling major commercial disputes and has led teams in numerous high-profile domestic and international cases involving immense sums of money and exerting significant social influence. He has represented both domestic and international companies in arbitration or mediation proceedings before several renowned arbitration institutions, including the China International Economic and Trade Arbitration Commission (CIETAC), Shenzhen Court of International Arbitration (SCIA), Hong Kong International Arbitration Centre (HKIAC), Singapore International Arbitration Centre (SIAC), International Chamber of Commerce (ICC), and London Maritime Arbitrators Association (LMAA). His areas of expertise encompass construction engineering, real estate development, investment cooperation, international trade, and healthcare, among others.

Mr. Yang has frequently served as lead counsel in assembling cross-border legal teams to participate in litigation or investigation cases related to international trade, cross-border investment, product quality, antitrust, and intellectual property in foreign courts or quasi-judicial institutions. He is well-versed in common law practice such as evidence disclosure, expert witness, large-scale litigation and class action procedures. He was among the first Chinese lawyers to represent Chinese enterprises in foreign antitrust and class action cases. His work spans various areas including but not limited to international trade, antitrust, product liability, taxation, and intellectual property, with involvement in jurisdictions such as the United States, the European Union, India, Brazil, Malaysia, and more.

Mr. Yang is also highly active in the field of cross-border investment. He has represented both PRC and foreign companies in numerous benchmark overseas investment projects and excels at integrating compliance and risk assessment for foreign investment with companies' global trade strategies. In the context of shifting international relations, Mr. Yang has provided comprehensive services related to investment, trade, customs, export controls, data compliance, and dispute resolution for many Chinese enterprises engaged in cross-border transactions. Mr. Yang has been recommended by Asialaw Profiles as a "Leading Lawyer" in the field of corporate/M&A.

Representative Performance

- Represented Shenzhen Hongtao Group Co., Ltd., a listed company, in a dispute with a South Korean company over the cooperative development of the Phnom Penh Gold Tower 42 Project in Cambodia, in which Mr. Yang secured a favorable arbitration award at the Singapore International Arbitration Centre (SIAC). This arbitration involved claims and counterclaims totaling over US\$200 million, and successfully resulted in the client receiving nearly \$60 million in compensation.
- Successfully assisted a subsidiary of a state-owned enterprise in reaching a comprehensive and favorable settlement with a well-known European trading company, effectively concluding eight legal proceedings across four major jurisdictions. These proceedings included a court injunction in Brazil, an anti-suit injunction in the UK, an emergency arbitration procedure at the CIETAC, two arbitration recognition procedures at the Beijing No.4 Intermediate People's Court, two CIETAC foreign-related arbitration procedures, and a lawsuit at the High Court of Singapore. This case is considered a model for multiple parallel litigations/arbitrations.
- Successfully assisted the client in achieving a favorable comprehensive settlement, securing compensation for defective goods. This case involved goods valued at approximately US\$22 million. The contract stipulated that English law governed the dispute, which was resolved through arbitration under the London Maritime Arbitrators Association (LMAA), with proceedings conducted

in English.

- Successfully represented a prominent logistics company in obtaining a comprehensive victory in an international arbitration case involving mainland China. During the arbitration proceeding, Mr. Yang collaborated with Macau lawyers to persuade the Macau court to impose interim protective measures on an aircraft undergoing maintenance by a foreign aircraft leasing company in Macau, in support of the mainland arbitration proceedings. This case marked the first time Macau's court, under the Arrangement of the Supreme People's Court Concerning Mutual Assistance in Preservation in Arbitration Proceedings between the Mainland and the Macao Special Administrative Region, has granted interim protective measures in support of a mainland arbitration. The arbitration was conducted by the China International Economic and Trade Arbitration Commission, with proceedings conducted in English.
- Represented, as lead counsel, an overseas subsidiary of a Chinese state-owned engineering enterprise in a dispute with a U.S.-listed company arising out of a design contract for a South American PPP project. The matter involved parallel proceedings in multiple jurisdictions, including injunction proceedings in the U.S. to restrain payment under performance guarantees, guarantee enforcement proceedings in a South American jurisdiction, and ICC arbitration proceedings conducted entirely in English and governed by foreign law. The team successfully assisted the client in securing payment under the guarantees in both the U.S. and South American proceedings, and ultimately obtained a complete victory on the merits in the ICC arbitration. The guarantee enforcement proceedings were recognized with the China Business Law Journal – China Outbound Deals Award.
- Represented a leading domestic real estate company in a Shanghai International Arbitration Center (SHIAC) dispute against a renowned international high-end healthcare company, with the case governed by Chinese law and conducted in English. This case involved complex factual and legal issues and various contracts spanning cooperation, loans, consulting, project development and leases. JT&N provided full legal representation throughout and secured a favorable result, absolving the client of any payment liability for the claimant's large damages claims.
- Successfully persuaded the tribunal to reject the plaintiff's claims challenging the validity of the company's board resolutions and demanding substantial damages from the controlling shareholder, in a case reviewed by the Second International Commercial Court of the Supreme People's Court. The plaintiff consisted of two companies registered in the British Virgin Islands, while the defendants included a company registered in the Cayman Islands and listed on NASDAQ, along with its Chinese controlling shareholder. The core issues of the dispute included the validity of the board resolutions, whether the controlling shareholder violated fiduciary duties, and whether the shareholders' interests were harmed. Given that the dispute arose in the context of red-chip companies returning to the domestic capital market, the case held significant impact and precedent-setting importance, prompting the Supreme People's Court to convene a panel of five senior judges for an open court hearing.
- Represented RREEF China Management Limited and Jones Lang LaSalle Management Services Ltd., under Deutsche Bank, in the transaction dispute case between the Jiacheng Plaza Project in Chaoyang District, Beijing, and Beijing Jiacheng Real Estate Development Co., Ltd., and ultimately won the case in full after going through first instance proceedings before the Beijing High Court, second instance proceedings and retrial before the PRC Supreme Court. This case involved the first REITs project in Hong Kong and attracted significant attention from both domestic and foreign capital markets.
- Represented TCL in a series of monopoly and anti-unfair competition cases against Ericsson, and prompted the State Administration for Market Regulation to launch an antitrust investigation into Ericsson's abuse of market dominance (which was the second antitrust investigation initiated by the PRC national antitrust regulators in the IP licensing market, following the Qualcomm's antitrust case). This case involves disputes over standard essential patent licensing and is linked with related patent cases across multiple jurisdictions. It is a complex and high-profile case with

significant financial stakes and international factors, and has been selected as a bulletin case by the Supreme People's Court. On September 27, 2021, the Supreme People's Court commented: "In the monopolization cases involving the global market, such as the dispute between TCL and Swedish Ericsson over the abuse of dominant market position, (the people's court) has actively explored and strengthened the initiative of jurisdiction and extraterritorial application of laws in foreign-related cases, correctly applied the principle of extraterritorial application of the antitrust law, and effectively safeguarded the judicial sovereignty of China and the legitimate rights and interests of the parties."

- Four Chinese vitamin C producers were sued in the U.S. Federal Court for allegedly manipulating the price of products exported to the U.S. and limiting production to raise prices. Mr. Yang represented both China Pharmaceutical Group Limited and Shijiazhuang Pharmaceutical Group Co., Ltd. and successfully reached a comprehensive settlement with the plaintiffs. This case was China's first export price cartel case, with an amount in dispute reaching US\$150 million and extended for a period of nearly 15 years. It went through multiple judicial procedures, including the U.S. District Court for the Eastern District of New York, the Court of Appeals for the Federal Circuit, and the U.S. Supreme Court. The case drew widespread attention due to its arguments on the principle of state sovereignty and the involvement of the Chinese government as an amicus curiae.
- Repeatedly represented the Chinese government, industry associations, and enterprises in responding to international trade remedy investigations, handling a series of landmark cases, including but not limited to: the U.S. anti-dumping investigation into Chinese wooden bedroom furniture (the first comprehensive "industry test of market orientation" application by a Chinese industry); the EU anti-dumping, anti-subsidy, and safeguard measures investigations into Chinese data cards (involving a sum of US\$4.1 billion and resulting in a complete victory following the withdrawal of the complaint by the applicant); the U.S. anti-dumping and anti-subsidy investigations into Chinese photovoltaic cells (which, after multiple reviews, resulted in the first zero tariff for Chinese enterprises); and a series of the U.S. anti-dumping, anti-subsidy, and safeguard investigations into Chinese non-road tires, truck and bus tires, and passenger vehicle tires (involving over US\$10 billion cumulatively, which is the first case in which a Chinese enterprise received a no-injury ruling during the Trump administration).

Social Status

- Council Member, LAWASIA
- Deputy Director, Foreign Legal Service Commission of All China Lawyers Association
- Council Member, the Belt and Road International Services Association
- Vice President, Beijing Lawyers Association
- Council Member, Beijing International Commercial Dispute Resolution Center
- Expert Member, Legal Advisory Committee on Economic and Trade Frictions of CCPIT
- Expert Member, China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters
- Council Member, China New Energy Chamber of Commerce
- LLM Practice Tutor, Renmin University of China
- Panel of arbitrators, Singapore International Arbitration Centre, Hong Kong International Arbitration Centre, China International Economic and Trade Arbitration Commission, Beijing Arbitration Commission, Shenzhen International Arbitration Court, Shanghai International Arbitration Center, Shanghai Arbitration Commission, Hainan International Arbitration Court, and Zhuhai Court of International Arbitration, etc.

Honorary Titles

- Beijing Lawyer of the Year, Benchmark Litigation

- Arbitration Powerlist: China, Legal 500
- Model Worker of National Judicial Administration System, the Ministry of Human Resources and Social Security and the Ministry of Justice
- Eminent Practitioner in International trade/WTO, Chambers and Partners
- WWL Thought Leaders: Global Elite, Who's Who Legal
- Ranked "Band 1" in WTO/International Trade, Legal 500
- Top 10 Lawyer of One Belt One Road, Legal Daily
- "Top Ten Events/People in the Chinese Legal Industry", the Ministry of Justice and the All China Lawyers Association
- Outstanding Lawyers, Beijing Lawyers Association
- Top Young Businessman Elite, The Economic Observer
- Leading Lawyer in Corporate/M&A, Asialaw Profiles

Education Background

- Tsinghua PBCSF, EMBA
- Chicago-Kent College of Law, LLM
- University of International Business and Economics, LLM

Publications

- GAR Know How Litigation-China, Global Arbitration Review, 2024
- GAR Know How Challenging and Enforcing Arbitration Awards, Global Arbitration Review, 2024
- Complex Litigation China Chapter, Author, published in Lexology GTDT, 2022
- Supply of Goods in China: Overview, Author, published in Thomson Reuters Practical Law, 2020/2021/2022
- "Never Compromise: A Chronicle of International Trade and Economic Friction Cases Involving Chinese Enterprise", Editor-in-Chief, CITIC Press, 2021
- "Country Reports on the Legal Environment of Belt and Road Countries", Peking University Press, one of the Translators and Coordinators, authored by the All China Lawyers Association, 2018
- "A Comparative Study of Chinese and English Arbitration Laws", included in "Special Edition on Dispute Resolution in the Belt and Road Initiative", Editor, Law Press China, 2018
- "Review of China's Antitrust Legislation and Enforcement in 2018 and Outlook for 2019", Author, published in LexisNexis, 2019
- "Competitive Compliance Assessment Recommendations for 'Incompatibility' Practices of Internet Companies", Author, published in "China Legal Review" Year-End Issue, 2019
- "Compliance Recommendations for E-commerce Platforms' 'One out of Two' Practices", Author, published in AmCham China
- "Reform of China's Antitrust Law Enforcement System and Its Impact", published in LexisNexis, 2018
- "Understanding the Correct Approach to Sino-U.S. Trade Frictions", Author, published in LexisNexis, 2018
- "A Discussion on the U.S. Non-Recognition of China's Market Economy Status", Author, published in LexisNexis, 2017