

KLUPER LAW CONFERENCE FOR IN-HOUSE COUNSEL

HONG KONG: 6th Annual Global Competition Law Summit

A year after !! The HK Ordinance and Its Effects for
Local and International Business's – The GC Handbook
(This conference will be conducted in English)

Wednesday, 26 April 2017, 9:00am – 5:00pm

Hyatt Regency Hong Kong, Tsim Sha Tsui

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SPEAKERS



Doug Clark
Barrister, Gilt Chambers
Chairman



Rose Webb
CEO, Hong Kong Competition
Commission
Opening Address



Jacques Derenne
Partner, Global Co-Practice Group
Leader, Antitrust and Competition,
Sheppard Mullin, Brussels –
Professor, University of Liège and
Brussels School of Competition
Keynote Speaker



Jingwen Zhu
Partner, Winston & Strawn
Moderator – 1st Grand Panel



Stephen Crosswell
Partner,
Baker & McKenzie Hong Kong
Moderator – 2nd Grand Panel



Susan Ning
Partner, King Wood & Mallesons



Sanghoon Shin
Partner (Senior Foreign
Legal Advisor) Antitrust &
Competition Law, Bae,
Kim & Lee



François Renard
Registered Foreign Lawyer,
Head of Allen & Overy Greater,
China Antitrust Practice



Hao-Ling Yau
Senior Associate,
Holman Fenwick Willan



Guy Hardaker
Partner, Holman Fenwick Willan



Elvira Aliende Rodriguez
Counsel, Shearman & Sterling



Philip Monaghan
Executive Director
(General Counsel) Hong Kong
Competition Commission



Knut Fournier
Chairperson, Hong Kong
Competition Association



Tsuyoshi (Yoshi) Ikeda
Attorney at Law,
Mori Hamada & Matsumoto



Nathan Bush
Head of Investigations,
Antitrust and Competition
Practices, Asia,
DLA Piper Singapore Pte. Ltd.



Guy Lougher
Partner, Pinsent Masons



Samir R. Gandhi
Partner, AZB & Partners



Dr. Sharon Pang
Principal, Competition Practice,
Charles River Associates



Hon Ng
Senior Counsel, Uber

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Regency Ballroom I, 18 Hanoi Road
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SCHEDULE

9:00 – 9:20	Opening Address – Update of Hong Kong Competition Law Rose Webb, CEO, Hong Kong Competition Commission	14:45 – 15:10	Section 6 – Drawing lessons from the first antitrust proceedings and cases in Hong Kong – Tips for Counsel François Renard, Registered Foreign Lawyer, Head of Allen & Overy Greater, China Antitrust Practice
9:20 – 9:50	Keynote Section – BREXIT: State of Play on Competition Issues. Impact on business in the EU and in Asia Jacques Derenne, Partner, Global Co-Practice Group Leader, Antitrust and Competition, Sheppard Mullin, Brussels – Professor, University of Liège and Brussels School of Competition	15:10 – 15:30	Section 7 – Advising on Compliance for 2017 – Tips for your Company Guy Lougher, Partner, Pinsent Masons
9:50 – 10:20	Section 1 – Trump Era Regulatory Challenges for International Business Nathan Bush, Head of Investigations, Antitrust and Competition Practices, Asia, DLA Piper Singapore Pte. Ltd.	15:30 – 15:50	Short Break & Afternoon Refreshment
10:20 – 10:50	Section 2 – Cartels Update Elvira Aliende Rodriguez, Counsel, Shearman & Sterling	15:50 – 16:15	Section 8 – Distribution Agreements: When Can They Become Anti-Competitive? An Economic Perspective Dr. Sharon Pang, Principal, Competition Practice, Charles River Associates
10:50 – 11:15	Networking & Morning Refreshment	16:15 – 17:00	Ask the Experts – Anti Trust Update for 2017 – Regional Answers for Doing Business outside HK if you are a HK Company – Korea, Japan, China, EU, HK Moderator • Stephen Crosswell, Partner, Baker & McKenzie Hong Kong Panellists: • Sanghoon Shin, Partner (Senior Foreign Legal Advisor) Antitrust & Competition Law, Bae, Kim & Lee • Philip Monaghan, Executive Director (General Counsel) Hong Kong Competition Commission • Knut Fournier, Chairperson, Hong Kong Competition Association • Tsuyoshi (Yoshi) Ikeda, Attorney at Law, Mori Hamada & Matsumoto • Elvira Aliende Rodriguez, Counsel, Shearman & Sterling
11:15 – 11:45	Section 3 – Update in Telecom Competition Law in Hong Kong Guy Hardaker, Partner, Holman Fenwick Willan	17:00 – 17:05	Closing Remarks & Lucky Draw
11:45 – 12:15	Section 4 – Merger Control in India: Developments and Challenges for an Emerging Jurisdiction Samir R. Gandhi, Partner, AZB & Partners	17:15 – 18:30	Networking Cocktail
12:15 – 12:45	Section 5 – IP – New Developments in IP Antitrust Legislation-Advising Companies Doing Business in China Susan Ning, Partner, King Wood & Mallesons		
12:45 – 14:00	Networking Lunch		
14:00 – 14:45	1st Grand Panel – What Issues In-house Counsel Need to Consider when Being Advised on Competition Law Moderator • Jingwen Zhu, Partner, Winston & Strawn Panellists: • Hao-Ling Yau, Senior Associate, Holman Fenwick Willan • Hon Ng, Senior Counsel, Uber • Dr. Sharon Pang, Principal, Competition Practice, Charles River Associates • Jacques Derenne, Partner, Global Co-Practice Group Leader, Antitrust and Competition, Sheppard Mullin, Brussels – Professor, University of Liège and Brussels School of Competition		

Doug Clark, Barrister, Gilt Chambers, Hong Kong

Doug Clark is a barrister and arbitrator practising in Hong Kong. He has handled competition law related cases for over 15 years. Doug was formerly the managing partner of international law firm Hogan Lovells' Shanghai office. He has acted in a number of major SEP licensing disputes and has recently acted for a number of clients in relation to NDRC investigations and Anti-Monopoly Law lawsuits relating to licensing practices. Doug is an Adjunct Professor at the University of Hong Kong and the author of a number of legal texts as well as a history of British and American extraterritoriality in China and Japan between 1842 and 1943. He speaks Mandarin Chinese and Japanese.

Rose Webb, CEO, Competition Commission (Hong Kong)

Ms. Rose Webb was appointed to the position of Chief Executive Officer of the Competition Commission (CC) in March 2016. She previously held the position of Senior Executive Director at the CC from April 2014. Ms. Webb has been closely involved in the formation and development of the CC and in all aspects of its operations since the commencement of the Competition Ordinance on 14 December 2015. She has represented the CC in Hong Kong and at international meetings. Immediately prior to her appointment to the CC, Ms. Webb was Executive General Manager, Mergers and Adjudication at the Australian Competition and Consumer Commission (ACCC). Ms. Webb has over 25 years of government and regulatory authority experience with wide exposure at Australian federal government departments and regulatory authorities such as the ACCC and the Australian Securities and Investment Commission (ASIC). She has led a wide range of legal and enforcement teams and possesses a deep understanding of competition law and policy.

Ms. Webb graduated with a double degree in Economics and Law from the Australian National University and has an LLM degree from Sydney University. She also holds a Graduate Diploma in Practical Legal Training from the College of Law and a Graduate Diploma in Governance, Policy and Public Affairs from Queensland University.

Jacques Derenne, Partner, Global Co-Practice Group Leader, Antitrust and Competition, Sheppard Mullin, Brussels – Professor, University of Liège and Brussels School of Competition

Jacques has 30 years of competition law experience in all areas (mergers, cartels, abuses of dominance and State aid), in EU regulatory and related competition law issues in a variety of regulated sectors (such as energy, postal services, transport, telecoms). Jacques regularly appears at competition hearings before the European Commission, and pleads cases before the EU courts, national competition authorities, the Belgian and French courts and various regulatory bodies.

He is a member of the Brussels and Paris bars and teaches State aid law at the University of Liège and at the Brussels School of Competition. He is a founding member of the Global Competition Law Centre (College of Europe, Scientific Council and Executive Committee). He graduated from the University of Liège (Belgium, 1987) and from the College of Europe (Bruges, 1988).

Jacques publishes widely and is a frequent speaker on various EU constitutional, competition and regulatory issues. He is highly ranked by several legal directories ("Star Individual", Chambers Europe, State aid; among the 12 "leading individuals in antitrust in Brussels", Legal 500).

Stephen Crosswell, Partner, Baker & McKenzie Hong Kong

Stephen's practice covers a broad range of competition law issues in China, Hong Kong and throughout the Asia-Pacific, including advising on antitrust issues associated with distribution and supply chains, competition audits and compliance, competition litigation, competition related judicial review proceedings, access claims, multi-jurisdictional cartel investigations, merger clearance and collaboration/joint ventures. He also advises on competition policy matters, including regulated industry negotiations with governments and regulators, deregulation, privatization and state owned enterprises reform. Stephen has represented clients in many of the leading competition law cases in recent years under Hong Kong's sectoral competition laws. He also represented the Hong Kong General Chamber of Commerce in the Legislative Council hearings relating to enactment of Hong Kong's competition law and is a member of the Hong Kong Law Society's Competition Law Committee, which reviewed the Hong Kong Competition Tribunal's draft procedural rules. Stephen advises across a broad range of sectors, including media and telecommunications, government contracts, oil and gas, retail, banking and finance, property and ports. Stephen is ranked in major legal directories as a leading antitrust practitioner in China/Hong Kong and is the author of the Hong Kong chapters of the Lexis Nexis Practical Guide to Competition Law in Hong Kong (2015), the 'Global Antitrust Compliance Handbook' (Oxford University Press, 2014) and 'Competition Law in China and Hong Kong' (Sweet & Maxwell, 2009).

Elvira Aliende Rodriguez, Counsel, Shearman & Sterling

Elvira Aliende Rodriguez is Counsel in Shearman & Sterling's Brussels office where her practice focuses on Spanish and EU competition law.

Elvira advises clients across a range of sectors, including air transport, chemicals, telecommunications, energy, pharmaceuticals, steel, hotel accommodation, textiles and financial services. She has extensive experience in advising clients on Article 101 (restrictive agreements) and the equivalent provisions under Spanish law. She has also participated in State aid procedures and in Article 102 (abuse of dominance) cases before the EU competition authorities. She has in-depth knowledge of working before the European Commission and the European Courts.

Susan Ning, Senior Partner, King & Wood Mallesons

Susan joined King & Wood Mallesons in 1995. She is a senior partner and the head of the international trade, antitrust & competition group. She is one of the first legal practitioners in China to set up an antitrust and competition specialist division. Her practice covers merger control filings, antitrust investigations, compliance and antitrust litigations. Since 2003, she, together with her team, has undertaken more than 200 antitrust merger control filings on behalf of clients on behalf of multinational and domestic corporations. Susan has also assisted a number of clients on confidential investigations of cartel conduct, resale price maintenance and abuse of dominance, and has acted for Qihoo in relation to the landmark abuse of dominance case with Tencent.

Ms. Ning currently serves as the deputy Chairman of the Antitrust Committee of the All China Lawyers Association and is an active participant of the American Bar Association and Inter-Pacific Bar Association's antitrust forum. Ms. Ning's articles on the AML have been published by esteemed international competition law journals and publications, including Euromoney's Competition & Antitrust Review and Global Competition Review. She also wrote the Practice Guide to China Antimonopoly Law (published by CCH). Susan holds a Bachelor of Laws from Peking University and a Master in Law from McGill University. Susan was admitted as a Chinese lawyer in 1988.

Sanghoon Shin, Partner (Senior Foreign Legal Advisor) Antitrust & Competition Law, Bae, Kim & Lee

Mr. Sanghoon SHIN, admitted to New York Bar, is a foreign legal advisor of Bae, Kim & Lee LLC. He passed the 40th higher civil service examination and began to work with the Fair Trade Commission (FTC) as a public official in February 1998. He worked at the FTC (in International Cooperation Division, Mergers and Acquisitions Team, and Institutional Improvement Planning Task Force), planning and implementing various cases/policies related to fair trade until April 2007. Since joining Bae, Kim & Lee LLC in April 2007, he has advised on various fair trade cases, such as mergers and acquisitions, cartels, unfair trade practices, abuse of dominant market position, and unfair supports. In particular, he has focused on providing foreign companies with legal services related to fair trade. He served as a legal advisor (on fair contents trade) to Korea Creative Content Agency. He enjoys contributing to fair trade journals including Competition Journal, and often gives lectures on fair trade companies, law schools and academia.

Registered Foreign Lawyer, Head of Allen & Overy Greater, China Antitrust Practice

François Renard, a EU qualified lawyer with 20 years of experience in the antitrust field, has managed Allen & Overy's Greater China antitrust practice since November 2008. François has extensive experience advising Western and Asian clients on China, APAC, EU and other national competition laws, including merger control, anti-competitive agreements and concerted practices; intellectual property and antitrust interface; abuse of dominant position, market investigations and antitrust compliance. François is listed as a leading lawyer in PLCs antitrust cross border category in China, International Who's Who of Competition Lawyers, Global Competition Review (GCR), Chambers APAC and IFLR 1000, respectively. He is also the ILO Client Choice Award 2015 for the Competition & Antitrust category in China. François is regularly invited to speak at conferences throughout the APAC region and in Europe, and has published numerous articles on antitrust matters in Europe and China. He is a lecturer at the Institute of European Studies (Brussels) and he was invited as a visiting professor to one of the major Beijing universities (CUPSL) in 2014.

Hao-Ling Yau, Senior Associate, Holman Fenwick Willan

Hao-Ling specialises in commercial litigation, with particular focus on fraud, banking, corporate and personal insolvency and shipping. She has worked on various complex, multi-jurisdictional disputes, acting for a range of clients including banks, insurers, ship-owners, charterers and other corporations. Hao-Ling has substantial experience in advising on competition law both in the UK and Hong Kong and has recently given multiple talks on the Hong Kong Competition Ordinance. She also regularly advises on insolvency matters and has acted for liquidators and creditors in high-profile insolvencies. Prior to joining the Hong Kong office, Hao-Ling worked in the firm's London and Shanghai offices. She read Law at King's College London and is qualified as a solicitor in England and Wales and Hong Kong. As well as English, she speaks Mandarin and Cantonese.

Guy Hardaker, Partner, Holman Fenwick Willan

Guy is a Partner in the firm's Hong Kong office. He has an unusually broad practice, covering energy, commodities, utilities and arbitration, reflecting his experience in the firm's London, Singapore and Hong Kong offices. He has represented the largest electricity company in Hong Kong, spanning contractual, regulatory and litigation issues over the past 25 years. He also represents one of the four mobile operators in Hong Kong on a range of regulatory, competition and licensing matters, which have tracked the changes from 2G in 1992 to 4G. Guy is qualified in as a solicitor both in England & Wales and Hong Kong.

Jingwen Zhu, Partner, Winston & Strawn

Jingwen Zhu is a partner at Winston & Strawn who advises clients on merger notifications, antitrust investigations, private antitrust litigation, antitrust counseling, commercial strategy, and compliance. Dr. Zhu has experience in state-owned monopolies, privatization of infrastructure, and subsequent sector regulation. She advises clients in a wide range of sectors ranging from air and maritime transportation, health care, insurance, telecommunication, luxury goods, leisure, and hospitality to diverse manufacturing activities. Dr. Zhu has been ranked as a leading competition lawyer by International Financial Law Review 1000 (Hong Kong) from 2012 to 2017.

Philip Monaghan, Executive Director (General Counsel) Hong Kong Competition Commission

Mr. Philip Monaghan was appointed to the position of Executive Director (General Counsel) of the Competition Commission (Commission) in June 2014. Immediately prior to his appointment to the Commission, Mr. Monaghan was in private practice in Hong Kong with an international law firm advising Hong Kong businesses, Asian companies and global multinationals on competition law issues arising under antitrust laws worldwide.

Before relocating to Hong Kong in 2007, Mr. Monaghan worked in the competition and economic regulatory departments of international legal practices in London and Brussels. With over a decade of experience in competition law, his practice work has covered restrictive agreements and cartels, abuse of market power matters and multi-jurisdictional merger control. Mr. Monaghan was admitted as a solicitor in Hong Kong in 2009. He is also admitted as a solicitor in England and Wales and in the Republic of Ireland.

Knut Fournier, Chairperson, Hong Kong Competition Association

Knut Fournier is currently the Chairman of the Hong Kong Competition Association. Until recently, he was teaching law at the City University of Hong Kong. Prior to moving to Hong Kong, Knut worked as a monitoring trustee for competition authorities in Europe, in the United States, in Brazil and in China. During his nearly three years as a trustee, Knut worked on cases covering a variety of sectors, including banking, manufacturing, food, retail, aviation, music, and mining. He designed compliance programmes for traders and trained staff on competition compliance, in the context of remedies imposed by the European Commission and by national competition authorities. He published extensively on competition law, including recently on Hong Kong telecom merger remedies, and on competition policy and the Hong Kong broadcasting sector. He holds law degrees from the University of Paris and from King College London. Knut is currently finishing a PhD on Hong Kong Competition Law at the University of Leiden, and was an Academic Visitor at the University of Oxford.

Tsuyoshi (Yoshi) Ikeda, Attorney at Law, Mori Hamada & Matsumoto

Tsuyoshi (Yoshi) Ikeda is an antitrust counsel at Mori Hamada & Matsumoto. As a former official of the Investigation Bureau of the Japan Fair Trade Commission (JFTC), Yoshi has extensive experience in all aspects of antitrust/competition issues, including cartels, merger filings, and distribution issues in both domestic and international (multi-jurisdictional) arenas. At the JFTC, he engaged in, among others, the implementation of the leniency program in Japan and a number of dawn raids (on-site inspections).

Yoshi has been representing multinational companies before the JFTC in international cartels and second phase review merger cases. Yoshi also advises on IP-related antitrust issues such as licensing, and cases involving standard-essential patents (SEPs), making the best use of his experience as an investigator in the IP/IT Taskforce at the JFTC. He has additional expertise in consumer protection issues, such as misleading advertisements, as well as anti-bribery issues. Yoshi has been listed as a leading expert in competition law in Chambers Asia, since 2014. He was appointed as an officer of IBA's Antitrust Committee in 2017. He frequently serves as a speaker in international conferences, such as ICN (as a non-governmental adviser (NGA) for the JFTC) and IBA.

Yoshi is a graduate of Kyoto University (LLB, 2002) and University of California, Berkeley, School of Law (Boalt Hall) (LLM, 2008). He is admitted in Japan, New York and California. He was a lecturer at Kindai University and is a specially appointed professor at Kanazawa Institute of Technology. His comments have been frequently quoted in the most popular financial newspaper in Japan, the Nikkei, for more than fifteen times.

Nathan Bush, Head of Investigations, Antitrust and Competition Practices, Asia, DLA Piper Singapore Pte. Ltd.

Nathan (Nate) Bush heads DLA Piper's Investigations and Antitrust and Competition practices in Asia. Nate practiced in Beijing for eight years from 2004 through 2012, and has covered the region from Singapore since 2013. He focuses on internal investigations, regulatory enforcement, and compliance involving anti-bribery and anti-corruption (ABAC), competition, market misconduct, and international trade matters. He has conducted investigations in China, Indonesia, India, Malaysia, Japan, South Korea, Thailand, Vietnam, Cambodia, and other jurisdictions, and routinely advises on compliance elements of capital markets, M&A, private equity, and venture capital transactions in Asia. Nate provides strategic guidance on multijurisdictional merger reviews and antitrust enforcement matters. He co-chairs the Legal and IP Committee of the American Chamber of Commerce in Singapore, and previously served as Legal Committee Chairman (2008) and General Counsel (2009-2011) of the American Chamber of Commerce in China. Nate is a graduate of Harvard Law School and the University of Virginia.

Guy Lougher, Partner, Pinsent Masons

Guy is a Partner in the EU & Competition Law Group at Pinsent Masons. He has worked on competition and market investigations by various competition authorities, including attending dawn raids. In this context he has advised clients on fining and leniency procedures and making leniency applications.

Guy has handled Phase 1 and in-depth merger clearances before various authorities, has undertaken competition law audits and has also designed and implemented competition compliance and training programmes for many clients.

Guy has particular experience of advising clients in the utilities, energy and manufacturing sectors, and especially in the food, automotive, pharmaceutical, chemical and oil/gas industries.

Samir R. Gandhi, Partner, AZB & Partners

Samir R. Gandhi heads the Competition & Antitrust Practice Group at AZB & Partners and is based in New Delhi. He deals with a broad range of competition law and policy issues, as well as international trade and WTO matters. Samir advises on competition law and policy and has worked closely with the Competition Commission of India (CCI) as its counsel in all its major litigation at various courts and tribunals, including the Competition Appellate Tribunal and the Supreme Court of India during the initial years of its operation. He has also advised clients, both as complainants and as defendants, in several behavioral cases before the CCI and the appellate courts. Samir has acted for several companies in cartel related matters in sectors such as cement, pharmaceuticals, industrial explosives and film production. He has been engaged in defending numerous dominance cases, including in high-tech sectors such as internet search & advertising, telecommunications, broadcast distribution, and automobiles involving antitrust and intellectual property issues.

Samir has worked on numerous merger filings since the enforcement of the merger control provisions in India. He was part of the advisory team to the CCI that helped give shape to the 2011 Merger Regulations. The Firm has one of the top merger filing practices in India and Samir's merger related work includes acting for Dell Inc. in its acquisition of EMC Corporation, Nokia Corporation's acquisition of Alcatel-Lucent, GE's acquisition of ALSTOM Energy and Google's acquisition of Motorola Mobility. Samir also routinely advises a number of Indian companies, multinational corporations and industry associations on their competition compliance programs and has also been involved in formulating competition policy for the Islamic Republic of Afghanistan. Samir is ranked a Band 1 lawyer by Chambers & Partners and recognized as a leading competition lawyer in India. Samir was also on the list of recommended lawyers for competition and antitrust law, by Who's Who Legal for 2016. Samir is a graduate of the National Law School of India University, Bangalore and the London School of Economics and Political Science, where he was a Commonwealth Scholar and Mahindra Trust Fellow. He was a visiting fellow at Columbia Law School and is admitted to practice in India.

Dr. Sharon Pang, Principal, Competition Practice, Charles River Associates

Dr. Sharon Pang is a Principal in the Competition Practice of Charles River Associates. She has more than 20 years of experience in antitrust litigation matters and merger review spanning a wide range of industries. Dr. Pang has advised client attorneys and corporations in antitrust litigation matters, and in merger reviews and investigations by U.S. antitrust agencies and the European Commission. She has spoken extensively on the economic aspects of competition law in Hong Kong, and has published articles on competition issues related to China and Hong Kong. Prior to joining Charles River Associates, Dr. Pang was on the faculty at Cornell University's Johnson Graduate School of Business and was an in-house economist at the antitrust department of Skadden Arps Slate Meagher and Flom, LLP. She received a Ph.D. and an M.A. degree in Economics from the University of California at Los Angeles.

Hon Ng, Senior Counsel, Uber

Mr. Ng was one of Uber's first APAC legal team members and is based out of Uber's Hong Kong office covering the APAC region. Mr. Ng led Uber's transactions team which included advising Uber on commercial transactions, corporate governance, compliance, business strategy, fund-raising, investments and corporate structuring matters. More recently Mr. Ng has been focusing on advising the company on regulatory and government-relation matters with a particular focus in North Asia.

Prior to joining Uber, Mr. Ng was an attorney with the leading international law firms, Latham & Watkins in Hong Kong, with White & Case in London and the Middle East, and with Herbert Smith in London. In 2014, Mr. Ng was seconded to the Government of Qatar to prepare for the hosting the 2022 FIFA World Cup.

Mr. Ng is a committee member for the Hong Kong Football Association and the Law Society and attended the University of Sheffield, Osgoode Hall Law School, York University, Oxford Institute of Legal Practice and Tsinghua University.

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The Organiser

Wolters Kluwer offers opportunities for our delegates to receive business critical information and timely insight and analysis from our expert presenters. Our events also provide a platform for discussion to allow delegates to explore the intricacies of the information presented while interacting and exchanging news and experiences with peers. Our programmes are conducted by industry experts, practitioners and academics who are able to provide participants a well-balanced blend of theoretical fundamentals and practical applications.