

KLUWER LAW CONFERENCE FOR IN-HOUSE COUNSELS

# HONG KONG: 4<sup>TH</sup> ANNUAL GLOBAL COMPETITION LAW FORUM

(This conference will be conducted in English)

Wednesday, 23 September 2015, 8:50am - 5:05pm

Harbour Grand Hong Kong

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SPEAKERS



**Stephen Crosswell**  
Partner  
Baker & McKenzie  
**Chairman**



**Dr. Stanley Wong**  
Chief Executive Officer  
Competition Commission  
(Hong Kong)  
**Opening Speech Speaker**



**Bernard Amory**  
Partner-in-charge  
Jones Day  
**Keynote Speaker**



**Ninette Dodoo**  
Counsel and Co-Head  
of Antitrust  
Competition and  
Trade Practice in China  
Freshfields  
Bruckhaus Deringer LLP  
**Moderator - 1st Grand Panel**



**David Stallibrass**  
Kluwer Law Author and  
Senior Research Fellow  
Shanghai Jiaotong University  
**Moderator - 2nd Grand Panel**



**Johan Van Acker**  
Partner  
Van Bael Bellis



**Ken Dai**  
Partner  
Dacheng



**Simon Muys**  
Partner  
Competition + Regulation  
Gilbert + Tobin



**Caroline Thomas**  
Senior Associate  
Holman Fenwick Willan



**Dr. Konstantinos  
Adamantopoulos**  
Partner  
Holman Fenwick Willan



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



**Sharon Pang**  
Principal  
Charles River Associates  
Washington D.C.



**Martyn Huckerby**  
International Partner  
King & Wood Mallesons



**Kentaro Hirayama**  
Of Counsel  
Morrison Foerster



**Suzanne Rab**  
Barrister  
Serle Court



**Timothy Lear**  
Executive Director  
(Operations)  
Competition Commission  
(Hong Kong)



**Susan Ning**  
Senior Partner  
King & Wood Mallesons

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## SCHEDULE

8:50am - 8:55am	Welcome Address	2:00pm - 2:40pm	1st Grand Panel - Compliance and Regulatory Issues for International Companies — Best Practice Advice for Inhouse Counsel  Moderator: Ninette Dadoo, Counsel and Co-Head of Antitrust, Competition and Trade Practice in China, Freshfields, Bruckhaus Deringer LLP  Panellist: Caroline Thomas, Senior Associate, Holman Fenwick Willan Martyn Huckerby, International Partner, King & Wood Mallesons
8:55am - 9:15am	Opening Speech - Hong Kong Competition Law Update  Dr. Stanley Wong, Chief Executive Officer, Competition Commission (Hong Kong)	2:40pm - 3:10pm	Section 6 - The Qual-Comm Experience - Advising International Companies!  Ken Dai, Partner, Dacheng
9:15am - 9:45am	Keynote Session - Global Update in Competition Law  Bernard Amory, Partner-in-charge, Jones Day	3:10pm - 3:30pm	Section 7 - The Challenges of New Competition Law Enforcement and How To Survive Them - Reflections From International Experience  Suzanne Rab, Barrister, Serle Court
9:45am - 10:15am	Section 1 - EU Competition Law and its Effects on Asian Companies  Dr. Konstantinos Adamantopoulos, Partner, Holman Fenwick Willan	3:30pm - 4:00pm	Short Break & Afternoon Refreshment
10:15am - 10:45am	Section 2 - Hot Topics in Anti-Monopoly Law Enforcement Activities in China  Susan Ning, Senior Partner, King & Wood Mallesons	4:00pm - 4:20pm	Section 8 - When Can Tying and Bundled Discounting Be Anticompetitive?  Sharon Pang, Principal, Charles River Associates (USA)
10:45am - 11:15am	Networking & Morning Refreshment	4:20pm - 5:05pm	2 <sup>nd</sup> Grand Panel - Ask the Experts - Regional Enforcement Issues - Korea, Japan, China, EU, HK, India  Moderator: David Stallibrass, Kluwer Law Author and Senior Research Fellow, Shanghai Jiaotong University  Panellists: Sanghoon Shin, Partner (Senior Foreign Legal Advisor) Antitrust & Competition Law Bae, Kim & Lee Kentaro Hirayama, Of Counsel, Morrison Foerster Suzanne Rab, Barrister, Serle Court Timothy Lear, Executive Director (Operations), Competition Commission (Hong Kong)
11:15am - 11:45am	Section 3 - From Dawn Raid To The Court Room  Stephen Crosswell, Partner, Baker & McKenzie	5:05pm - 7:00pm	Networking cocktail
11:45am - 12:15pm	Section 4 - Merger Control - 10 simple rules for in-house counsel  Johan Van Acker, Partner, Van Bael Bellis		
12:15pm - 12:45pm	Section 5 - Anti-trust and Infrastructure - Managing Competition Law Issues and Risks in Infrastructure-Reliant Industries  Simon Muys, Partner, Competition + Regulation, Gilbert + Tobin		
12:45pm - 2:00pm	Lunch		

**Stephen Crosswell, Partner, Baker & McKenzie**

Stephen's practice covers a broad range of competition law issues in China, Hong Kong and throughout the Asia-Pacific, including competition audits and compliance, competition litigation, competition related judicial review proceedings, access claims, multijurisdictional cartel investigations, merger clearance, collaboration/joint ventures and antitrust advisory. He also regularly advises on competition policy matters, including regulated industry negotiations with governments and regulators, industry advisory, deregulation, privatization and state owned enterprises reform. Stephen advises across a broad range of sectors, including media and telecommunications, government contracts, oil and gas, retail, banking and finance, property and ports.

Prior to joining Baker & McKenzie, Stephen served as the Head of the Antitrust and Competition practice in Hong Kong for a magic circle firm and also coordinated their overall practice in Asia. Stephen is admitted as a Solicitor and Barrister in New Zealand and Australia, and as a Solicitor in Hong Kong and England and Wales.

**Dr. Stanley Wong, Chief Executive Officer, Competition Commission (Hong Kong)**

Dr Stanley WONG is Chief Executive Officer of the Competition Commission in Hong Kong since 3 September 2014. Prior to joining the Commission, he carried on a law practice of advising competition authorities and tribunals around the world on competition law and policy. Among his clients he has advised were the European Commission (DG Competition), Competition Tribunal (Canada), and competition authorities in China, Malaysia, Singapore, India, Philippines, South Africa, United Kingdom, and Colombia. From 2006 to 2011 he served as Member (commissioner) of the Competition Authority in Ireland (now known as the Competition and Consumer Protection Commission). At various times he was responsible for civil enforcement and merger review. He frequently represented the Authority in consultations by the European Commission on its policy initiatives and enforcement decisions, at policy roundtables of the Competition Committee of the OECD and in various activities of the International Competition Network (including serving as co-chair of the Merger Working Group). Previously he practiced competition law for almost two decades with the Canadian law firm Davis LLP working from its Vancouver and Toronto offices. He advised on all aspects of competition law including business conduct, mergers and private actions. He appeared as counsel before Canadian courts and tribunals including the Competition Tribunal and the Supreme Court of Canada. In 2000-2001 he was Chair of the National Competition Law Section of the Canadian Bar Association.

He is a practicing lawyer (barrister and solicitor) in the Canadian provinces of Ontario and British Columbia and a non-practicing solicitor of England and Wales. He holds a LL.B (Bachelor of Laws) degree from the University of Toronto. He is also a qualified economist. He holds two degrees in economics: B.A. Hons., Simon Fraser University and Ph.D., University of Cambridge (King's College). Prior to entering the practice of law, he was a tenured Associate Professor of Economics at Carleton University in Ottawa.

**Bernard Amory, Partner-in-charge, Jones Day**

Bernard Amory practices competition law representing clients before the European Commission, national courts, and competition authorities in Europe and the European Courts in Luxembourg. He is the Partner-in-charge of the Brussels office of Jones Day and he is a member of the Advisory Committee of the Firm. Previously, he worked as an official in DG Competition of the European Commission. His practice includes the main aspects of competition law: restrictive practices, abuses, concentrations, and State aid and measures. Mr Amory served as Council Member of the International Bar Association (SBL) and is on the advisory board of the European Competition Journal.

**Ninette Dodoo, Counsel and Co-Head of Antitrust, Competition and Trade Practice in China, Freshfields, Bruckhaus Deringer LLP**

Ninette Dodoo is co-head of Freshfields' antitrust, competition and trade practice in China. She spent over 10 years in Brussels advising clients on EU and multi-jurisdictional matters before relocating to Beijing in 2009. Ninette specialises in the antitrust and regulatory aspects of cross-border mergers and acquisitions, joint ventures, strategic alliances, distribution arrangements, compliance issues, cartels, dominance and investigations in Asia-Pacific. Ninette has recently acted on some of the most significant matters in China. Ninette has advised multinational companies involved in investigation procedures, and has counselled multinational companies on compliance with antitrust laws. She has extensive experience advising multinational companies, state-owned enterprises and sovereign wealth funds across a range of sectors, including pharmaceuticals, healthcare and life sciences, consumer goods, food and beverages, mining and IT. Ninette is recognised as a leading antitrust lawyer by each of the principal legal directories and is recognised as one of the world's top 100 Women in Antitrust by Global Competition Review. Ninette is admitted to the Brussels Bar and is a Barrister of the Bar of England and Wales (non-practicing). She was educated at the University of Exeter (LLB) and holds a licence special (LLM) from the Free University of Brussels. Ninette speaks English and is fluent in French.

**David Stallibrass, Kluwer Law Author and Senior Research Fellow, Shanghai Jiaotong University**

David is a Senior Research Fellow at the Koguan Law School of Shanghai Jiaotong University and is a director at Fingleton Associates in the UK. He provided expert testimony in the dispute between Tencent QQ and Qihoo 360 at the Guangdong High Court and has advised on numerous projects for both public and private clients in China. David is also the director of the UK governments capacity building program for PRC anti-monopoly issues.

Before moving to China, David was a Director at the UK Office of Fair Trading. David was responsible for competition enforcement and consumer protection in the professional services industry. David holds an undergraduate degree from Oxford, a masters degree from the London School of Economics and has over 12 years experience as a practicing economist.

**Johan Van Acker, Partner, Van Bael Bellis**

Johan Van Acker is a partner in the Brussels office of Van Bael & Bellis, one of the leading competition law firms in Europe. Johan's practice focuses on EU competition law, with a particular focus on merger control. He has successfully assisted clients in numerous merger cases before the European Commission and national competition authorities. For instance, Johan has been involved in some of the more high profile EU merger control cases, including Boeing/Lockheed Martin/ULA, BHP Billiton/Rio Tinto, Novartis/Chiron, Microsoft/Skype, Canon/IRIS, Motorola/Vertex Standard, and Hebei Iron & Steel/Duferco.

For his work on the successful opposition to the 2010 joint venture between BHP Billiton and Rio Tinto, Johan received the Global Competition Review Matter of the Year award in 2010. In 2011, he received the Global Competition Review Matter of the Year award for Europe for representing Skype in the unconditional EU approval of its acquisition by Microsoft. Johan also regularly advises clients on other aspects of competition law, including cartels, abuse of dominant market positions and state aid.

**Ken Dai, Partner, Dacheng Law Offices**

Ken Dai earned his LLB and LLM respectively from the China University of Political Science and Law, and the University of Bristol in United Kingdom. Currently, Ken Dai is the member of the Antitrust Committee of the IBA, the Competition Committee of the IPBA, the Outbound Investment and the Antitrust Committee at the Shanghai Bar Association and Asian Competition Forum. In addition, he is the columnist of Forbes China. Ken Dai specializes in antitrust investigation, antitrust compliance, merger filing and private antitrust litigation. He is one of the first lawyers who practice antitrust law in China. He has represented a number of foreign companies in handling the antitrust investigation in China. Additionally, He has advised certain multinational companies on establishing antitrust law manuals and compliance programs. He has also advised numerous multinationals on the application of the PRC Anti-monopoly Law and enforcement policies in relation to distribution practices in China. In addition, he has a diversity of experience advising both foreign companies and domestic enterprises in making merger filings before MOFCOM. Furthermore, he has regularly assisted and represented certain enterprises in dealing with the private antitrust litigations in China. He has experience advising companies in handling the legal issues between intellectual property rights and antitrust laws.

**Sharon Pang, Principal, Charles River Associates, Washington D.C.**

Dr. Sharon Pang is a Principal in the Competition Practice of Charles River Associates. Based in Washington D.C., she has almost 20 years of experience advising client attorneys and corporations in antitrust litigation matters spanning a wide range of industries. She has assessed antitrust liability and calculated damages, submitted written declarations to U.S. federal courts in support of legal motions, prepared economic expert reports, and provided recommendations to client attorneys in the deposition of opposing experts. Dr. Pang has also advised client attorneys in connection with merger review and investigation by US antitrust agencies and the European Commission. Prior to joining Charles River Associates, Dr. Pang was a client specialist at the antitrust department of Skadden, Arps, Slate, Meagher and Flom LLP, and a faculty member at Cornell University's Johnson Graduate School of Business. Dr. Pang received a Ph.D. and an M.A. in Economics from the University of California at Los Angeles, and a B.A. in Economics from Pacific Lutheran University in the State of Washington.

**Dr. Konstantinos Adamantopoulos, Partner, Holman Fenwick Willan**

Konstantinos is a dual qualified Greek and Belgian lawyer. He specialises in EU competition law, including merger control, and State aid. He has worked extensively and has in depth expertise in the aviation, shipping, telecoms / media / IT and energy sectors. He regularly represents clients, from across Europe, the US and Asia, before the European institutions and has extensive experience of litigation, representing governments and corporate entities before the European Commission, the Court of Justice and the General Court of the European Union, as well as in ICC arbitration and other international dispute settlement procedures.

Konstantinos has authored a number of publications on European law and policy and has presented at conferences on aspects of EU competition, State aid, trade and air transport law. He regularly lectures on EU law. He is the author of EU Anti-Subsidy Law and Practice, one of the leading books in this area.

**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.



**Martyn Huckerby, International Partner, King & Wood Mallesons**

Martyn Huckerby is an International Partner in the Shanghai office of King & Wood Mallesons, where he specialises in competition law/antitrust and corporate law. He has been described by Asialaw Profiles as “among the top competition lawyers in China” and is recognised by various other publications for his competition law expertise, including Chambers Asia and International Who's Who of Competition Lawyers.

Recently Martyn has been advising various clients on substantive risks under the PRC Anti-Monopoly Law and active investigations by the Chinese authorities, including in the online travel, packaging and eyewear sectors. Martyn also has extensive experience obtaining antitrust clearances in China in relation to large international transactions, including BlueScope's \$1.4 billion joint venture with Nippon Steel and a European automobile manufacturer on a 50/50 joint venture with a Chinese firm. He also regularly speaks at public conferences and seminars on antitrust and regulatory issues and has delivered compliance training to a variety of multinational organisations based in China. Martyn is admitted to practice in the Supreme Court of NSW and the High Court of Australia, and has previously practised in London and Shanghai at a “Magic Circle” law firm and in Sydney.

**Caroline Thomas, Senior Associate, Holman Fenwick Willan**

Caroline Thomas is a Senior Associate in Holman Fenwick Willan's Hong Kong office. She specialises in insurance, maritime and regulatory law.

On the non-contentious side Caroline provides regulatory advice to companies on various matters including anti-money laundering, competition, data protection and sanctions laws and regulations. She has worked on several competition law cases, including in Hong Kong where she has advised on the application of the old competition law regime which only applied to the telecommunications sector. In recent years Caroline has updated clients on the likely effect on them of the new Competition Ordinance which applies to almost all sectors. Caroline has assisted clients make submissions in the context of government consultations on proposed new regulations of their industry and helped them to assess whether or not to judicially review decisions taken by the government.

Caroline's litigation experience includes advising on cargo claims; arresting/releasing vessels; charterparty claims; claims under ship management agreements; debt recovery; and bringing and defending insurance claims under CAR; cargo; hull; property; liability jewellers block and Welcar policies. She also represents clients in high value commercial disputes including ICC arbitrations and Hong Kong Court proceedings (including derivative actions and professional negligence claims).

Caroline has written several articles including on insurance and competition law in Taiwan; data breach and cyber liabilities; and on Hong Kong's new Competition Ordinance. Caroline is admitted as a solicitor in England & Wales (2008) and in Hong Kong (2010).

**Kentaro Hirayama, Of Counsel, Morrison Foerster**

Kentaro Hirayama is Of Counsel to Morrison Foerster Tokyo office. Mr. Hirayama works primarily in the field of Japanese antitrust law, and has counseled European, American, Asian and Japanese clients in litigation matters, a number of cartel, unfair trade practice, abuse of standard essential patents, as well as Phase II merger review cases. His skills and experience in competition and antitrust law is widely recognized and he has been listed as a leading Japanese competition lawyer in Chambers Asia-Pacific (2013 - 2015) and Who's Who Legal (2014-2015).

His experience includes representing Japanese companies in international cartel cases, including filing leniency applications to the Japan FTC and foreign authorities. He also represented a large multinational technology company in an investigation and administrative hearing in relation to an abuse of certain licensing terms and a US electronic component company and Japanese paper manufacturers, respectively, in merger notifications to the Japan FTC which was cleared after Japan FTC's Phase II review. In addition to his professional experience, he worked for the Japan FTC (July 2007-June 2010), where he was a chief case handler in the Marine hose international investigation and an abuse of dominance case against a US company. In the course of these worldwide parallel investigations, he also engaged in coordination of simultaneous dawn raids and other collaborations with foreign competition authorities. He also serves as an associate professor at the Tokyo University of Science and a lecturer at Tsukuba University School of Law, where he lectures on competition law.

**Simon Muys, Partner, Competition + Regulation, Gilbert + Tobin**

Simon is a partner in Gilbert + Tobin's Competition + Regulation group. He specialises in competition law and regulated industries, with particular expertise across the resources, telecommunications, media, energy and transport sectors. Simon regularly advises clients on issues related to regulatory and access issues associated with major infrastructure projects and other transactions, including economic regulation and access pricing issues. Simon has recently advised on a number of significant projects for major ASX-listed clients including as a lead competition and regulatory adviser to Telstra in relation to its negotiations with the Commonwealth and NBN Co over the National Broadband Network and related restructuring of regulatory arrangements. The NBN arrangements involve the largest de-merger and regulatory restructure in Australia and will transform one of Australia's largest companies from a network-based business into a services-based business.

He is also the principal competition and regulatory adviser to Rio Tinto Coal Australia on strategic competition and regulatory aspects of a number of infrastructure projects in Queensland as well as advising a number of regulators, peak industry bodies, network owners, users and others on regulatory and access issues. As well as infrastructure and economic regulation, Simon also regularly advises clients on merger clearances, ACCC investigations and enforcement matters as well as the design and, where necessary, authorisation of a range of collaborative arrangements as well as engagement with sectoral regulators.

Prior to joining Gilbert + Tobin, he also spent several years with specialist London-based communications and technology law firm. He is an officer of the Communications Committee of the International Bar Association and a member of the Competition and Consumer Committee of the Law Council and the Energy and Resources Law Association (AMPLA). Simon is ranked in Best Lawyers for both 2014 and 2015.

**Suzanne Rab, Barrister, Serle Court**

Suzanne has wide experience of EU law and competition law matters combining cartel regulation, commercial practices, IP exploitation, merger control, public procurement and State aid.

Suzanne's practice has a particular focus on the interface between competition law and economic regulation. She advises governments, regulators and businesses across the regulated sectors including in the communications, energy, financial services, healthcare/ pharmaceuticals, TMT and water sectors. Suzanne has significant experience of advising on the development, implementation and application of new competition laws and regulatory regimes in line with international best practices, including in emerging markets.

In private practice as a solicitor for 15 years prior to joining the bar, she has held positions at magic circle and leading international antitrust practices. Most recently she was an antitrust partner with a leading US practice. She has also held the role of director at PricewaterhouseCoopers working within its strategy, economics and forensics teams.

Suzanne speaks French and has worked in a bilingual office while practising as a solicitor.

Suzanne is the author of “Indian Competition Law, an International Perspective” (first published by Wolters Kluwer, May 2012; with a supplement of cartel regulation published in January 2013). The book is the first-of-its-kind international comparative analysis of the Competition Act 2002 published contemporaneously with the coming into force of Indian competition law and merger control.

**Timothy Lear, Executive Director (Operations), Competition Commission (Hong Kong)**

Mr. Tim Lear was appointed to the position of Executive Director (Operations) in March 2014. Immediately before joining the Hong Kong Competition Commission, Mr Lear was Director of the International Affairs of Australian Competition and Consumer Commission (ACCC). In this role, he represented the ACCC at International Competition Network, Organisation for Economic Cooperation and Development, Association of South East Asian Nations and other Asian competition workshops and meetings, working to promote the implementation of competition regulation in the East Asian region. Mr. Tim Lear has been involved in competition and consumer regulation since 2000 and has a proven track record of enforcing competition and consumer laws.

From 1999, Mr. Lear worked as a Commercial Dispute Resolution lawyer in Sydney, acting for a variety of local and international businesses and Australian Government clients. In 2005, Mr. Lear joined the ACCC's Enforcement Division, running investigations and managing litigation. At the ACCC, he supervised teams working on competition and consumer matters, including investigations relating to hard core cartels, misuse of market power and mergers. Mr. Lear is admitted to practice law in the Supreme Court of New South Wales. He holds bachelor degrees in Law (Hons) and Arts (double major in Literature and Communications) from the University of Wollongong and a Graduate Diploma in Competition Law from the University of Melbourne.

**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.

## Hong Kong: 4<sup>th</sup> Annual Global Competition Law Forum

For enquiries and registration, please contact **Alma Lam**

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A substitute delegate is welcome at any time and no extra charge if you are unable to attend. Full payment will be imposed if cancellation is made within 7 days of the event date.

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### The Organiser

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