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Professionals - Detail

Name: Frank Zhang

Partner

Office: Beijing

Tel: 86.10.65325588-100; 86.10.

85325912;136 2121 2825

Fax: 86.10.65323768

Email: frank@longanlaw.com

Language: Chinese,English,Japanese



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Areas Of Practice

Foreign Direct Investment, Intellectual Property Rights, International Trade, Real Estate, Energy and IT.

Experience

Frank Zhang is a partner in Longan Law Firm. He has been a licensed Chinese attorney for ten years and has great experience in representing both foreign and Chinese clients in the areas of intellectual property rights, foreign direct investment, international trade, Real Estate, Energy, IT and other areas.

In 2006, Frank represented Actions, a well-known world class IC design company, in its patent litigations on portable MP3 player with another top IC design company from the USA and won the case. He also worked with US lawyers to serve the client on its Section 337 investigation instituted by the United States International Trade Commission (ITC).

In March 2006, he was selected as one of the top ten lawyers to attend

the First China IPR Protection Forum by the State Council, the Ministry of Commerce and the Ministry of Justice. He is a member of the International Trademark Association (INTA).

Frank has represented hundreds of foreign clients in setting up their businesses in China in the forms of Representative Office(RO), Joint Venture(JV) or Wholly Foreign-Owned Enterprise(WFOE). In 2005, due to his remarkable experience in foreign direct investment, Frank was invited as one of the top lawyers from the Chinese mainland to attend the Boao Asian Forum, the most influential economic and political forum in Asia.

Frank also has great experience in international trade practice. In 2004, Frank exclusively represented a US TV and DVD distributor for a 400 million USD international trade dispute with a major Chinese color TV company. He also works on antidumping cases.

Over the past ten years, Frank represented hundreds of foreign and domestic clients and provided legal services to Mitsubishi, COSCO, China Life, Air China, Tata, Reliance and other Fortune 500 companies. He frequently visits the United States, Japan and other countries to give speeches to CEO clubs, investors and government officials(including the governor of Indiana) on topics such as How to Make Investment in China , How to Protect IP in China, and China's Legal Environment.



Leading Law Firm from China with 200 Lawyers in Beijing, Shanghai, Shenzhen, Guangzhou, Shenyang!

Firm Profile

Established in 1992, Longan Law Firm is one of the first private law firms in China. In the midst of China's unprecedented social and economic transformation, Longan's practice record has kept in direct stride with China's rapidly expanding legal environment. Ensuring our clients receive only the most up-to-date services, Longan is committed to providing effective, practical and results-oriented legal representation.

Longan Law's legal team is comprised of nearly 200 attorneys and over 150 support staff across China and internationally. Our offices are strategically located in Beijing, Shanghai, Shenzhen, Guangzhou and Shenyang, the leading cities of international business and finance in China. In and around each of our locations in China, Longan Law Firm establishes and maintains close contacts and strong working relationships with regulatory agencies and financial institutions. Our position as a true Chinese law firm has several benefits for our international clients who use our law firm as a direct and effective method of securing their interest in the Chinese marketplace.

As one of the first privately owned legal partnerships in China, Longan Law Firm has successfully served both domestic and international clients in various industries for over 17 years. We take pride in our ability to develop and foster innovative legal structures for a wide spectrum of business interests including, but not limited to intellectual property, international business, mining and resources, real estate, mergers and acquisitions, corporate, finance, inward and outward investment, taxation and insolvency.

Longan develops among its attorneys an uncompromising dedication to achieve professional excellence. We create effective legal solutions that cater directly to our client's unique needs.



Room 188, Beijing International Club, 21 Jianguomenwai Street Beijing, P.R. China Tel: 86.10.65325588 Fax: 86.10.65323768

Email: frank@longanlaw.com www.longanlaw.com

Intellectual Property

Longan Law Firm is the premier IP firm in China. It has a strong IP Department with an in-house patent agency, trademark agency, and investigative services division. Longan is a member of the International Trademark Association (INTA), International Association for the Protection of Industrial Property (AIPPI), Asian Patent Attorneys Association (APAA), National Association of Patent Practitioners (NAPP), the International Anti-Counterfeiting Coalition (IACC), the China Anti-Counterfeiting Committee (CACC), Quality Brands Protection Committee (QBPC, China), Computer Law Association (CLA), and Software and Information Industry Association (SIIA).

The IP Department can provide services in the below areas:

- Patent prosecutions and litigation;
- Trademark prosecutions and litigation;
- Copyright recordals;
- Computer software registrations;
- Customs recordals;
- Investigations of IPR infringements;
- Internet domain name registrations;
- IPR audits and recommendations for company starting business in China;
- Licensing of technology and other types of IPR,
- Identification and valuation of technology,
- Technology transfer agreements, confidentiality and NDA.
- Administrative enforcement actions;
- Litigation in Chinese courts; and
- Collection of judgments

The IP Section has represented the below cases:

1. Successfully represented Actions Semiconductor Design Co. Ltd (Nasdaq: ACTS), in a multiple jurisdiction patent litigation against SigmaTel Inc (NASDAQ: SGTL), a world-class semiconductor company, in a Section 337 related dispute. We helped Actions get an injunction relief against SigmaTel.
2. Represented Foxconn Technology Group in a patent and trade secrets dispute case against China BYD Company Limited.
3. Represented Philips in a design patent infringement litigation. Under our advice, the local Public Notary visited the infringing factory and its sales outlets to collect evidence for infringement.
4. Representation of McDonald's (China) in connection with its patent infringement dispute with an European company as the only outside IP legal counsel
5. Represented in a patent infringement litigation filed by Waldwick at U.S. District Court of District of NJ against Tongda Jiangsu Aerosol Company LTD., Oscar Home Care Inc. etc. regarding the Certain Universal Air Freshener Refill Bottles

6. Representation of PetroChina in connection with its IP strategy and IP management project which is a part of China National IP Strategy Projects as the leading IP counsel of law firm in such project
7. Represented Jiangxi Juyuan Medicine Biological Engineer Co., Ltd. in the 21 Jinweita trademark dispute
8. Represented China Mobile in connection with its trademark dispute with an UK telecommunication company as the leading IP legal counsel.
9. Represented a Japan company in connection with its opposition against a Singapore Company's trademark application in China as one of leading Chinese IP legal counsel for such case
10. Represented Schneider Electric (Shanghai) and Merlin Gerin (Tian Jing) in connection with its trademark infringement dispute and anti-counterfeiting including: infringement to Merlin Gerin, Schneider and other local trademarks: legal advice, lawyer letters, mediation
11. Represented Pfizer in connection with the legal opinions on either AIC actions or civil actions for settling the trademark infringement disputes between Pfizer and some Chinese companies

Patents in China

Longan provides a full range of China patent services, including prosecution, licensing and dispute resolution. We counsel a diverse group of clients on a wide range of issues.

We work in conjunction with our client's business operations and develop a patent protection plan that will maximize protection of new innovation and imported inventions. The patent attorneys at Longan are fluent in both English and Chinese, and have extensive experience in providing our clients with comprehensive strategies.

Each client's needs are assessed, taking into account the client's domestic and worldwide strategies, the competitive activity and the need to achieve maximum protection at a reasonable cost. Our patent attorneys are all licensed to practice before the State Intellectual Property Office (SIPO) and are well versed in all aspects of patent prosecution, including procuring patent rights in the State Intellectual Property Office. Our attorneys enforce client's rights in Chinese courts, before the Customs Office, the State Administration of Industry and Commerce, the China Technical Service Bureau, and other relevant regulatory bodies, including China arbitration bodies.

Longan regularly handles the following areas of patents:

- Filing patent applications including:
 - (i) Inventions
 - (ii) Utility models
 - (iii) Industrial designs
- Re-examinations
- Invalidations

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- Translations
- Technology transfers
- Licensing of patent rights
- Patent searches; and
- Patent validity consultation.

Trademarks in China

Longan has been successfully implementing trademark protection strategies for more than a decade. We assist numerous clients from large multinational companies to small businesses, providing comprehensive protection based on the budget set by the client. Longan's attorneys are proactive concerning trademark protection in China, keeping watch for trademark infringers and consulting on enforcement strategies.

We are one of the first Chinese law firms to develop proprietary software to keep up-to-date, individualized client docketing lists, which will soon be opened to clients for viewing their individual applications online.

The trademark attorneys at Longan Law also assist clients in the selection of an appropriate Chinese trademark, registration of the mark in China and abroad, and provide constant follow-up including the enforcement of client trademark portfolios.

Longan's attorneys handle numerous proceedings before the State Intellectual Property Office (SIPO), The Trademark Review and Adjudication Board (TRAB), The State Administration of Industry and Commerce (SAIC), and other regulatory bodies. They are also involved in all aspects of transactional trademark work, including the negotiation and drafting of licensing, distribution and franchise agreements.

Below are some of the services that we provide to our trademark clientele:

- Trademark search
- Trademark monitoring
- Registration on China mainland and abroad
- Oppositions
- Cancellations
- Reviews
- Disputes
- Revocations
- Renewals
- Assignments & licensing
- Name and address changes
- Well-known trademark petitions
- Trademark infringement
- Anti-counterfeiting
- Investigations

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- Anti-counterfeiting, including investigations, administrative actions and litigation
- Customs protection
- Trademark pledges; and Reissuing of trademark certificates.

Copyrights in China

The attorneys at Longan are experienced in negotiating and drafting agreements relating to the creation, use and transfer of works of authorship of all types, including computer-related works, literary, published and musical works.

Longan Law has extensive experience in preventing the illegal copying of works of expression in China. Through drafting and negotiating joint authorships and works-for-hire agreements (including releases and waivers) in connection with various employment arrangements, Longan tracks the release and sales of your copyrighted works in China. In addition, we have represented major companies in the entertainment industry in connection with the acquisition of copyrights.

Our attorneys have handled infringement litigation (including online infringement), ownership disputes, royalty negotiations, licensing, assignments and copyrights. Our approach is to implement and press Chinese Copyright Law onto the ever-fluid Chinese business environment. Providing international clients with the most effective and practical solutions has won us the confidence and trust from owners of the nation's most well known works.

Our services in this area include:

- Protection and the strategic planning of copyrights
- Acquisition of copyright registration in both China and abroad
- Managing copyright matters associated to the Internet
- Copyright licensing
- Employee and third-party waivers and releases
- Administrative and judicial enforcement of copyrights; and
- Assignment agreements.

Software Registration in China

A major concern of software developers is the high rate of piracy throughout China. Rapid growth of the technology industry and an intensification of competition have resulted in the increased importance of protecting rights in software. Software registration in China as well as at home can not only secure revenues but also prevent damage to reputation when pirated.

Longan is aware of this threat to the business integrity of our clients. We thus provide a level of protection against software infringement unparalleled in China. In pursuing this strategy, we are able to coordinate with the authorities raids on suspected infringers and obtain damages for such acts. The team of attorneys at Longan has extensive experience in all areas of software protection, such as:

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- Registration of the software
- Negotiating and drafting agreements for software development
- Shrink-wrap agreements
- Website development
- Licensing
- Technology transfer
- Commissioned development; and
- Software-related invention patents.

International Business

As a leading law firm in China, Longan has extensive experience in providing legal service to both multinationals investing in China and domestic companies receiving investments from their foreign counterparts. We have worked on many high profile projects in a wide range of industries.

We assist our clients during each individual stage of their projects as well as throughout the entire investment process. This includes advising our clients in determining the most effective structuring of their deals, assisting in the evaluation of potential business partners and locations and performing due diligence on target companies or assets. Additionally, we draft, review and comment on transactional documents, negotiate all terms of these documents on our client's behalf, and monitor the complete investment or divestment process to safeguard our clients. Our years of experience enable us to help our clients effortlessly navigate the often complicated and unpredictable procedural processes in China.

Our practice area includes the following services:

1. Analysis of the investment viability in a specific sector
2. Establishment of joint ventures, wholly foreign owned enterprises and other forms of corporate structuring for foreign investment
3. Processing overseas transactions
4. Foreign exchange issues
5. Tax issues
6. Anti-dumping investigation and advising on preventative plans to avoid or reduce anti-dumping duties
7. Work visas, business immigration and foreigner employment
8. Labor and employment arbitration and lawsuits
9. Registration and filing with government authorities
10. Remittance and collections
11. International outsourcing
12. International trade disputes and maritime disputes
13. Government regulation

Mining

- Longan Law firm is now pleased to announce that it is establishing a mining section to be one of the core activities of the firm. It has assembled a strong team of Chinese and foreign attorneys, with expertise in all aspects of mining in the PRC and internationally, for its Mining Section located in its Beijing office.
- The new Mining Section can immediately provide the necessary legal assistance regarding all aspects of obtaining exploration and mining rights and the rules and regulations for the development of such projects in China. The law firm can now expand its legal advice to investors to include Chinese, North American, Korean and Mongolian clients.
- With the recent association of the Zata law firm in Ulaan baatar, the Longan Law Firm Mining Section can also provide an expanded service to include the necessary legal assistance to its clients who desire to obtain exploration and mining rights, purchase agreements for coal and other commodities, joint venture agreements and to comply with the various Investment laws, Incorporation laws, Labor laws and Tax regulations in Mongolia.
- Through the Longan Law Mining Section, the law firm has the expertise and contacts to be able to provide the necessary assistance for a client to consider investing in mining projects in a number of locales such as China, Mongolia, and Central and East Africa. The Law Firm can assist the investor by conducting the initial due diligence on the legal and title aspects of any existing project, to file applications for new exploration and mining projects, to enter into memorandums of agreement, purchase agreements and Joint Venture Agreements concerning exploration and mining projects, and to provide legal advice and assistance necessary to complete the necessary government approvals and regulations for such projects.

Mergers & Acquisitions

Longan has earned a high reputation for the effective and comprehensive handling of mergers and acquisitions. Longan is one of the leading members of China Mergers and Acquisitions Association, which is a non-profit, non-governmental organization administrated by All-China Federation of Industry & Commerce (ACFIC).

A team of specialized attorneys who are Chartered Public Accountants and Registered Tax Agents reinforces Longan's expertise in restructuring and M&A.

We are skilled at representing all forms of business entities from initial inquiry to merger and acquisition and exit strategy. We are especially adept at addressing the diversity of issues surrounding international companies seeking a presence in China.

Our lawyers have a strong background in business transactions and corporate regulatory compliance. We pride ourselves on exhaustive pre-planning and forecasting in order to identify potential problems and correct them before they evolve into expensive litigation.

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Our real estate and construction lawyers are experts in their fields. Having a complete understanding of the industry, they adopt a practical and viable approach to sustaining your real estate enterprise in China. We frequently work alongside lawyers in our finance, dispute resolution, corporate, environment and tax practices on both domestic and cross-border transactions. With a diverse and international client base, that includes real estate investors, developers and occupiers, funding institutions, consultants and contractors, we possess a strong understanding of the real estate and construction industries.

With our comprehensive experience, we advise in the following areas:

1. Project financing
2. Establishing trust
3. Securitization of assets
4. Real Estate Investment Trusts (REITS)
5. Privatization
6. Private equity
7. Mergers and Acquisitions
8. FDI (Foreign Direct Investment, as in the form of a joint venture or otherwise)
9. Taxation

Finance

The long-existing bottleneck in financing became more evident after the implementation of the latest macroeconomic directives set out by the central government at the beginning of 2007. The lack of capital has already affected and will continue to affect the pattern of financing in all kinds of industries. Enterprises cannot solely rely on banks for borrowing, as the government has since 2004 cracked down on irresponsible lending. Enterprises must now look for alternative financing methods other than bank lending and adopt a more diversified legal strategy, in order to take advantage of new innovative financing instruments including the expansion of the Shanghai and Shenzhen stock markets and the liberalization of private equity partnerships.

Longan Law Firm, as the leading member of the China Mergers & Acquisitions Association, has established an information communication platform for which investors can meet and share resources on major projects and investments in China. We have close contacts with all kinds of enterprises and investors in China who are eager to work with foreign clients.

Longan Law Firm has a broad finance practice, which includes representing agents, participants, and sole lenders and borrowers in connection with traditional bank financing, project financing, structured financing, real estate financing and securitization transactions, as well as corporate finance and derivatives transactions. We have extensive experience advising in the following areas:

Project financing

1. Corporate financing, including IPO's, secondary issue, debt issue

2. Private equity, including close-end funds investing, Pre-IPO financing or otherwise
3. Structured financing
4. Real estate financing
5. Securitization of assets
6. Bank financing, including syndicate loan
7. Capital trust
8. Bridge loan
9. Letter of credit, forfeiting and so on; and
10. Government regulation

For more information, please contact our partner Frank Zhang, the Chairman of the firm's International Department.

We are looking forward to providing our best legal service to you and wish you a great success!

Best regards,

Frank Zhang

Senior Partner

Longan Law Firm

No.121 Beijing International Club

21 Jianguomenwai Street

Beijing 100020, China

Tel:8610-65325588-100

Fax:8610-65323768

Direct:8610-85325912

Mobile:8613621212825

Email: frank@longanlaw.com

www.longanlaw.com