



香港中文大學
The Chinese University of Hong Kong

Centre for Financial Regulation and Economic Development

金融規管與經濟發展研究中心



FACULTY OF LAW

A CFRED LECTURE:

DISPUTE RESOLUTION UNDER BITs: CANADA CHINA CASE STUDY

by

Mr. Jerry Zhang

Lawjay Partners

and

Thomas Manson, Q.C.

Canadian Lawyer, C.Arb

22 March 2013, Friday, 12:30-2:00 p.m.

The CUHK Graduate Law Centre, 2/F Bank of America Tower, 12 Harcourt Road, Central, Hong Kong

“Investment is a key area of the economic relationship between Canada and China. Intellectual property is an investment. The bilateral investment relationship started in the early 1980s and has been strengthening steadily ever since. While two-way investment has experienced rapid growth in recent years, it remains modest compared to the level of investment each country receives from the rest of the world. This suggests there remains great potential for expansion.”

This presentation will focus on dispute resolution process and standards of protection for investors under the Canada-China FIPA (BIT).

The presenters will address:

- the challenges of Canada-China treaty negotiation;
- significant differences of the Canada-China FIPA from NAFTA, the Canadian Model FIPA, the Chinese Model BIT, other models, and FIPAs;
- substantial hurdles to implementation in Canada, as well as
- unique features of dispute resolution process.

The Canada-China FIPA is intended to provide greater protection to investors against discriminatory and arbitrary practices. The presenters will examine how alternative dispute resolution is expanding its role effectively in cross border investment activities, and will also address whether and to what extent it will also ensure that the state parties have the freedom to regulate and to introduce and apply measures to achieve sustainable development.

All are welcome!

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http://nems.law.cuhk.edu.hk/online-registration/?event_id=356

by 21 March 2013.

About the Speakers

Mr. Jerry Zhang



Mr Jerry Yulin Zhang has many years of experience in international intellectual property law, corporate/commercial and dispute resolution, particularly in Chinese law and its application in cross border investment and economic activities. In the area of intellectual property, Mr Zhang has advised clients in intellectual property applications, IP dispute resolution, administrative enforcement procedure, copyright and trademark litigations and unfair competition matters, top-level domain names, domain names in .hk and .cn domains and their dispute resolution, and strategies for protection of intellectual property overseas. In dispute resolution, Mr Zhang has acted as counsel in prosecuting complaints, claims or acting on the defence/counterclaim, and has accepted appointments as sole arbitrator, co-arbitrator or presiding arbitrator or panellist in handling international arbitration or domain name matters with China International Economic and Trade Arbitration Commission (CIETAC) or Hong Kong International Arbitration Centre (HKIAC). In trade and investment law area, Mr Zhang is familiar with foreign trade and direct investment and general corporate and commercial law, including general commercial contract review etc.

Mr. Zhang is a listed arbitrator with CIETAC and Kuala Lumpur Regional Centre of Arbitration (KLRCA) and a domain name panellist with CIETAC and HKIAC in the .cn and .hk domain.

Thomas Manson, Q.C., C.Arb



Thomas Manson, Q.C. is a Canadian lawyer from Vancouver, B.C.. He has extensive experience in civil litigation, alternate dispute resolution, and administrative law and the regulatory process. Tom has worked both in private practice and in the securities trading regulatory arena.

Tom acts for a variety of clients including Chinese clients with disputes in Canada. Representative cases include proceedings for injunctive relief, IP disputes, and disputes concerning property purchase.

In arbitration matters, he has also conducted arbitration hearings in commercial, securities, CIRA (internet domain name), environmental, and motor vehicle insurance disputes. He is a Chartered Arbitrator and a Panelist of the:

- British Columbia Arbitration & Mediation Institute (Canada);
- British Columbia International Commercial Arbitration Centre (Canada); and
- Xi'an Arbitration Commission (China).

Tom has extensive instructional experience in Canada, having given many continuing legal education (and similar) lectures. Tom has also travelled extensively in China and given lectures (in English) on legal, political, and other matters.

