



LAW &
INTELLECTUAL
PROPERTY

Asia-Pacific

Australia / Bangladesh / Brunei / Cambodia / Hong Kong SAR / India /
Indonesia / Japan / Laos / Macau SAR / Malaysia / Mongolia / Myanmar
/ Nepal / New Zealand / Pakistan / Papua New Guinea / Philippines /
Singapore / South Korea / Sri Lanka / China Taiwan / Thailand / Vietnam

Photo by 世品 芬

ASIA-PACIFIC

The Asia-Pacific is a business region consisting of the whole of Asia as well as the countries of the Pacific Rim. Despite the heterogeneity of the regions' economies, most territories within the region are emerging markets experiencing rapid growth.

Countries and territories in the Asia-Pacific region:

Australia / Bangladesh / Brunei / Cambodia / Hong Kong SAR / India / Indonesia / Japan / Laos / Macau SAR / Malaysia / Mongolia / Myanmar / Nepal / New Zealand / Pakistan / Papua New Guinea / Philippines / Singapore / South Korea / Sri Lanka / China Taiwan / Thailand / Vietnam /

HFG

HFG is a law firm and intellectual property agency headquartered in China that offers services in the whole Asia-Pacific region thanks a trusted and professional network.

Founded in Shanghai in 2003, HFG currently counts 107 employees, 7 partners and 1 Of Counsel. HFG is among the most well-known, largest and best-established Intellectual Property law firms and IP agencies in China.



HFG IN ASIA-PACIFIC

HFG started practicing in China in 2003 with special focus on providing legal services to foreign companies. Now our team in Asia-Pacific includes foreign lawyers who were once our clients and become now our partners, our strength, our precious network.

Knowledge and trust are two essential elements of our job, and are the basis of our approach. Currently we have many valuable professionals, legal offices, intellectual property agents, food experts, data and privacy specialists, commercial, corporate and labor lawyers operating in each of the 25 countries and territories.



PRACTICE AREAS

- INTELLECTUAL PROPERTY
- FOOD LAW
- TECH LAW (Data & Privacy)
- COMMERCIAL LAW
- LABOR LAW
- CORPORATE/ M&A
- LITIGATION & ARBITRATION



INTELLECTUAL PROPERTY

Since its inception, HFG's primary focus has been the Intellectual Property ("IP"). We assist multinationals and SMEs to manage their IP Rights' portfolio in China and Asia-Pacific, to combat against fake products and copiers, to leverage their intangible assets through transactions.

HFG integrates the IP contentious and non-contentious practice, providing one-stop solution to companies whose intangible assets out-value the tangibles.

In 2021 HFG assisted its clients in more than 100 IP related litigations, over 1000 trademark filings, more than 1500 trademark disputes, and more than 500 patent related cases.

KEY IP SERVICES

- anti-counterfeiting
- criminal prosecution and civil litigation
- trademarks' portfolio management
- patent filing and prosecution department

COMMERCIAL LAW

Companies strive to find and implement successful strategies to export and distribute their products or services in China and Asia-Pacific region.

Approaches to marketing and distributing goods or services can be different: from wholesale to retail, from franchising to agency, from pure-licensing to private labeling, and many others.

In order to optimize business operations in China and Asia-Pacific, the peculiarities of the various legal systems should be factored. Some key examples being: anti-trust provisions, custom regulations, tax compliance, advertising regulations, IP protection and compliance and franchising regulations.

KEY COMMERCIAL SERVICES

- Drafting / revising commercial contracts (supply, sale-purchase, agency, etc.)
- Drafting / revising commercial distribution and franchising agreements
- IP strategy for distribution (license recordation / authorization)
- Franchising operations compliance
- Advertising and Consumer protection compliance
- Legal/administrative business model validation and analysis
- Ecommerce legal compliance



FOOD LAW

Food incidents in late 1990s drew attention to the need to establish general principles and more strict guidelines concerning the production and distribution of food and feed. Accordingly, food and feed laws start to blossom in the most advanced countries.

Nowadays food safety has become a top priority for most of government in the world. Food regulatory is increasingly stringent and is undergoing a huge process of upgrading and restructuring. In China and Asia-Pacific differences in the regulations as well as in the enforcement can be substantial, and food companies need to carefully assess what they can do and how.

After too many serious food scandals, the Chinese government has increased the typical consumer's protection. They have implemented strict laws providing for punitive damages, whistle-blowers rewards, joint-liabilities among operators at various levels of the food chain – growers, producers, traders, advertisers, etc.

This motivates consumers in targeting in bulk non-compliant products (even for minor issues such as typos on labels) and claiming damages – for up to 10 times the paid price – or rewards from authorities. In the case of food products being distributed in various cities of China, the risk is being challenged in each city.

Compliance with all of these regulations is where HFG can help you take the lead over your competitors, avoid fines, media attention or loss of reputation.

KEY FOOD SERVICES

- Food regulatory compliance validation
- Food advertising/marketing validation
- Label verification
- Label preparation
- Crisis management/government relationship (MSA, NHC, General Customs)



LITIGATION/ARBITRATION

Litigation is a crucial area in HFG's practice. When business operations reach a breaking point, it becomes the ultimate option to empower rights or to force the other party to negotiate.

Our vast experience ranges from commercial disputes to credit collection, unfair competition, trade secret violation, property/evidence preservations, white collar crime, product liability/consumer protection, invention ownership, IP litigation.

Our professionals are qualified to act as arbitrators and they can assist clients in China before all Courts and arbitration commissions (CIETAC, SHIAC, etc.).

In specific cases – such as unfair competition, violation of corporate obligations/secrets, etc. – our investigating team can do preliminary intelligence activity aimed at (i) assessing the existence/extent of problems and (ii) collecting evidence to support litigation.

LABOUR

HR management is one of the toughest challenges for foreign investors in China and Asia-Pacific. This challenge arises from great cultural differences, a very dynamic business environment with high turnover of skilled employees, aggressive competition by local and international players: taking good care of your team is difficult, yet crucial to improve efficiency and enhance performance.

Labor regulations are usually protective towards employees. This imposes a burden on employers to justify any dismissal or job re-adjustment decisions, even in cases of serious misconduct by the employees.

Labor regulation compliance is a fundamental business tool as it allows achieving:

- good HR management;
- more freedom to take HR choices;
- greater control of internal affairs;
- prevention of internal conflict of interests;
- avoid employee misconducts (harassment, bribery, etc.)

KEY LABOUR SERVICES

- Drafting / revising labor contracts
- Drafting / revising company labor handbook & policies
- Drafting / revising R&D personnel/invention ownership
- Internal corporate policies (confidentiality, conflict of interests, internal controls, etc..)
- Non-competition breach
- Labor arbitration and litigation



CORPORATE / M&A

Foreign investments in Asia-Pacific are subject to different laws and regulation in each Country. And in some case there are different regulations within the same Country. At HFG we try to simplify and uniform as much as possible the way of making business in the region navigating different seas with our trusted ship.

In many Countries scrutiny and approval is required for most corporate transactions, from company set-up to Mergers & Acquisitions (M&A), and from change of business scope to increase of registered capital.

Investments shall be carefully planned, as several unique peculiarities need to be considered: business scope limitations, RMB/forex convertibility, special custom regimes (processing trade, free trade zones, etc.) capital contribution obligations and options, tax implications, administrative procedures intersecting with each other.

KEY M&A/CORPORATE SERVICES

- Investment project legal/administrative validation and analysis
- Entities set-up (WFOE, JV, Representative Office)
- M&A (domestic and cross border)
- Due diligence
- Liquidation of foreign investments
- Capital contribution through intangible (IP)
- Corporate ordinary operations
- Administrative problem solving (customs, SAFE/banks, AQSIQ, etc..)



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