

## YANG, XUN

Flat H, Floor10, Tower 2, 8 Waterloo, KLN, Hong Kong  
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### Education

**Columbia University, School of Law**, New York, U.S.A.

LL.M., received May 2006

Board Member of Society for Law, Science and Technology

Honor: Harlan Fiske Stone Scholars

**Fudan University, School of Law**, Shanghai, P.R. China

1. Master in Jurisprudence, received July 2002

2. Bachelor in Law, received July 1999

Honor: O'Melveny & Myers SH Legal Scholarship, 1st Award  
People's Scholarship (Undergraduate and Graduate Award)  
Motorola Scholarship

### Experience

**Freshfields Bruckhaus Deringer**

Location; Title **Hong Kong: Senior Associate** -- IP-TMT Aug. 2006 ~ now

**London: Secondment** – IP-IT / Corporate Jul. 2011 ~ Jul. 2012

Description -- Advise on (1) investment and M&A in telecoms, media, chemical, pharmaceutical and other high-tech sectors; (2) telecoms transactions and commercial transactions involving intellectual properties and/or open source codes; and (3) regulatory issues in association with telecoms/e-commerce, data privacy, occupational inventions, import/export control, IP protection, unfair competition, etc.  
-- Draft and negotiate agreements in relation to (1) technology/IP licenses; (2) telecoms transactions, such as outsourcing, maintenance of IT systems, collaborations, telecoms services, development, and data migration; and (3) other inbound/outbound transactions such as business carve-out, splitting, supply and distribution, coexistence, etc.  
-- Assistance in dispute resolution in telecoms and IP areas by (1) advising dispute resolution strategy; and (2) negotiating to settle disputes.

Location; Title **Kaye Scholer LLP**  
**Shanghai: PRC Associate** - General Corporate Jul. 2002 ~ Jul. 2005

Description **New York: Visiting Associate** – Technology-outsourcing Dec. 2005 ~ Jan. 2006  
Draft contracts and government applications in connection with commercial transactions, foreign direct investment, and merger and acquisition; connected due diligence, participated in negotiation for commercial transactions, investment and dissolutions, prepared legal advice on foreign investment, IP protection, employment, foreign exchange control, bonded trade, and other general corporate issues.

Title **Etang.Com Inc./Shanghai Etang IT Service Co.**  
Description *In-house Counsel (Part Time)* Jan. 2000 ~ Jun. 2002  
Prepare day-to-day business documents, such as IAP/ISP/ICP agreements, online sales agreements, lease agreements, and employment agreements; participated in negotiation of commercial deals and investment deals; provide oral legal advice to managing staff, and settled labor and infringement disputes.

**Bar Admission** Admitted in New York (2006) and PRC (2000)  
**Language** Mandarin (Native); English (Fluent)

**Others**  
1. A Panelist of Asian Domain Name Dispute Resolution Centre (ADNDRC)  
2. A Member of IP & Cyber Law Committee of Shanghai Bar Association.  
3. A Member of the commission in charge of investigation and drafting the Shanghai Electronic Commerce Administrative Regulation.

**Deals** For Deal Sheet, see Annex A;  
**Publications** For List of Publications, see Annex B.

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### **Annex A: Deal Sheet (Recent Major Deals Only)**

#### ➤ Telecoms Related Projects

1. **Murex SAS**, a leading provider of integrated trading, risk management and processing solutions, on a milestone transaction with the Bank of China Ltd, in which Murex licenses to BOC its advanced MX.3 platform and provide related implementation and maintenance services.
2. A leading IT solution provider in relation to its prospective operation of its IDC business and PaaS / SaaS for e-commerce in China.
3. **Tata Steel** (the successor of British Steel) in relation to its outsourcing and back office arrangement with Capgemini UK Plc.
4. **Prudential Health Service Limited** (a member of Prudential Group) in (1) its outsourcing of a mid and back-office IT system and the related maintenance and development services; and (2) migration of data from an old platform to a new platform.
5. **MacQuarie Telecoms**, a leading Australian value-added telecoms service provider, in relation to the data privacy and the compliance with US Patriot Act in association with its Cloud business.
6. A major private bank on the telecoms aspect of an acquisition of the private investment business of an European bank, including the development of transitional IT platform, data migration, and transitional services, etc.
7. **Morgan Stanley** on (1) its importation of software system; and (2) its outsourcing and reorganization of back-office and hotline services.
8. **Air China Limited** on regulatory issues in relation to its e-commerce website in Korea, Russia, Taiwan, US, and the EU countries.
9. **Changyou.com**, a division of SOHU and listed in NASDAQ, in the establishment of its subsidiary in the UK, Malaysia, and Vietnam and the employment and data privacy issues in these jurisdictions.
10. **China Telecom**, on (1) its collaboration with RIM to provide BlackBerry services in China; and (ii) its collaboration with Google, to enable Google to deliver its Internet search feature to China Telecom's mobile portals.

#### ➤ Technology related Projects

1. **Alibaba Group** in relation to its development of Aliyun based on open source codes Android.
2. **Apple Inc** on its patent and design disputes with Samsung in the European countries, primarily on customs enforcement and preliminary injunction issues.
3. **China South Railway** on (1) the establishment of global cooperation with Invensys Railway Group and a manufacturing license with respect to certain signal system device; (2) the establishment of a joint venture with a US company where the braking technology is a major contribution, and (3) various confidential joint technology development arrangements.
4. A leading Chinese semi-conductor producer in its disputes in relation to reverse engineering.
5. **Axle Tech Int'l**, on its strategic collaborations with a leading Chinese axles manufacturer.
6. **Geely Group**, in (i) acquiring Volvo business from Fort Group and (ii) establishing internal IPR policies for Geely.
7. **Advantica**, an engineering design company, on licensing gasification technology to and providing engineering design and training services to various Chinese companies.

#### ➤ Media and Commercial IP Transactions

1. **London Olympics Committee** on the operation of its official websites in China.
2. **Imagi International Holdings Limited**, on (1) the acquisition of Toon Express, the manager and owner of the animation characters “喜羊羊与灰太郎 Pleasant Goat and Big Big Wolf;” (2) the reorganization of Toon Express's China media business.
3. **Reed Elsevier Group Plc** on (1) the acquisition of an online business information business; (2) the carve-out of online brokerage business; and (3) the investment in online publication business.
4. **Esprit Limited**. in acquiring Esprit distribution business in China which is previously sold to and developed by China Resources Group, including the reorganization of the distribution business.
5. **Burger King/North Face/Puma**, on its reorganization of franchise business in China.

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### **Annex B: List of Publications in Relation to IP/TMT**

#### **I. Publications in English**

##### **Articles:**

1. Yang Xun, *et al*, *Complicating the Law*, *China Law and Practice*, July/August 2012, at 17;
2. Yang Xun, *Crossroad: Antimonopoly and IP Rights*, *China Law and Practice*, September 2011, at 28.
3. Yang Xun, *Online Accountability*, *China Law and Practice*, June 2010, at 10;
4. Yang Xun, *Recent Cases Flesh out China's Standard for Domain Name Arbitration*, *Computer and technology Law Review*, July 2009, at 134;
5. Yang Xun *et al*, *Opportunity Knocks for False Idols*, *Copyright World Issue*, April 2009, at 18;
6. Yang Xun, *Encouragement for Well-known Trademark Owners*, *China Law and Practice*, December 2008, January 2009, at 28;
7. Yang Xun *et al*, *China: Developing and Commercialising Life Sciences Innovations, From Innovation to Commercialisation, 2007*;
8. Yang Xun *et al*, *Infringement or Not? Search Service Baidu Faces the Recording Companies*, *International IP Law Office*, February 2007;
9. Yang Xun, *New Judicial Interpretation in Fair Competition Law*, *China Law and Practice*, February 2007, at 38;
10. Yang Xun, *New SPC Interpretation Fleshes Out Key Issues in Technology Contracts*, February 2005, 52;
11. Yang Xun, *Export Procurement Center as a New Foreign-invested Trading Vehicle*, *China Law and Practice*, February 2004, at 28;
12. Yang Xun, *Updating the Madrid System for Marks in China*, *China Law and Practice*, July/August 2003, at 26.

##### **Books:**

1. Yang Xun *et al*, *China Chapter, Telecom and Media --- Get the Deal Through*, (International Bar Association 2009);

#### **II. Publications in Chinese**

##### **Articles:**

1. Yang Xun, *Defence for Downstream Product Manufacturers in Section 337 Investigations*, *China Intellectual Property Right*, December 2007, at 48;
2. Yang Xun, *Models for Small-amount E-payment*, *Chinese E-commerce Legal Forum*, December 2004, at 46;
3. Yang Xun, *Economic and Jurisprudence Analysis of Intellectual Property Legal System in High-tech Society*, *Law Review for Software and Networks*, January 2004, at 107;
4. Yang Xun, *Foreign Mergers and Acquisitions as well as Related Legal Issues*, *Economy Shanghai*, September/October 2003, at 61;
5. Yang Xun, *The Establishment of E-commerce Legal System*, *Fudan Study Journal*, January 2001, at 97;
6. Yang Xun, *The Development Models of Computer Software*, *World's Economy Report*, October, 2000, at 24;
7. Yang Xun, *The Legal Analysis of Copyright Protection of Hyperlinks*, *Law Review*, September, 2000 at 55;
8. Yang Xun, *Comment on Freedom Software Linux*, *Economy Shanghai*, January 2000, at 45;
9. Yang Xun, *The Development of Computer Technology and Relative Legislations*, *Fudan Study Journal*, January 2000, at 7;

##### **Books:**

1. Yang Xun *et al*, *Cyberspace Law Study* (Yang Xun ed., Orientation Publishing Center 2002);
2. Yang Xun & Wang Bi, *Jurisprudence Study* §10, (Yang Xinyu ed., Fudan Univ. Publisher 2002).