

# Monthly Newsletter

Issued by Chang Tsi & Partners | [www.changtsi.com](http://www.changtsi.com) | Apr 2023

## Chang Tsi & Partners Ranked High by IP STARS for Trade Mark Disputes and Prosecution

Chang Tsi & Partners has been highly ranked by IP STARS in their latest rankings for Trade Mark Disputes and Prosecution - domestic firms in 2023.

IP STARS is the premier resource for companies or individuals seeking experienced legal practitioners for contentious and non-contentious IP advice. Operated by Managing IP, a trusted source for IP law and practice since 1990, IP STARS provides comprehensive rankings and analysis of law firms and practitioners in the field of intellectual property.

Chang Tsi & Partners has been recognized for our outstanding performance in trade mark disputes and prosecution, receiving high rankings in the domestic firms category, which reflects the firm's expertise and excellence in handling trade mark-related matters in China. With a strong team of IP professionals, including experienced lawyers and skilled practitioners, Chang Tsi & Partners has established a solid reputation in the field of intellectual property in China. Our dedication to providing top-notch legal services and in-depth knowledge of IP laws and practices have earned this well-deserved recognition from IP STARS.

LEGALBAND

A Client's Guide :  
Top Ranked Law Firms

权威客户指南 - 中国顶级律所排行榜



## Chang Tsi & Partners Ranked Tier 1 in LEGALBAND's 2023 Client Guide

Chang Tsi & Partners has achieved great recognition in the legal industry, as LEGALBAND recently released its 2023 Client Guide. We are proud to announce that we have been ranked in Tier 1 for both intellectual property litigation and non-litigation. Additionally, our Managing Partner, Simon Tsi, and Founding Partner, Spring Chang, have also been recognized for their expertise and excellence in the legal field. Simon Tsi has been ranked in Tier 1 for intellectual property litigation, while Spring Chang has been ranked in Tier 1 for non-litigation. This acknowledgment further reinforces our commitment to providing high-quality legal services to our clients and driving the development of China's intellectual property industry.



As a renowned legal service market research center, LEGALBAND is known for its meticulously designed rating system and research program, providing recommendations for both in-house counsel and individuals seeking legal services.

The 2023 Client Guide is published after months of extensive research conducted by the LEGALBAND China research team on clients and legal peers.

Known for its authority, objectivity, and professionalism, this guide is widely recognized as one of the authoritative guides in the industry and plays a vital guiding role for clients to select suitable legal service institutions.

In this year's Client Guide, Chang Tsi & Partners was ranked Tier 1 in both intellectual property litigation and non-litigation fields, representing the industry's recognition of the Chang Tsi' professional abilities and outstanding performance in intellectual property-related fields.

Meanwhile, out Managing Partner, Simon Tsi, and Founding Partner, Spring Chang, were also ranked Tier 1 on the list of Top Ranked Lawyers in the fields of intellectual property litigation and non-litigation respectively, further proving Chang Tsi & Partners' strong expertise and professionalism in the intellectual property field.



Chang Tsi & Partners adheres to integrity, professionalism, and efficiency, earning the trust and support of numerous clients with high-quality legal services. In the future, Chang Tsi & Partners will continue to focus on providing top-class legal services, promoting the development of the Chinese intellectual property industry, and assisting companies in protecting their intellectual property rights in domestic and international markets.

## Chang Tsi & Partners Named "Firm of the Year - Intellectual Property: Non-litigation" by LEGALBAND

Chang Tsi & Partners has been named "Firm of the Year - Intellectual Property: Non-litigation" by LEGALBAND, a part of Accurate Media Group headquartered in Hong Kong. LEGALBAND provides rankings of leading commercial law firms for different jurisdictions, regions, legal markets, and practice areas.

To issue the most reliable ranking publication to the market, the research team of LEGALBAND spent months conducting interviews with clients, independent research, and studies of submissions. Chang Tsi & Partners' recognition as "Firm of the Year - Intellectual Property: Non-litigation" reflects its strong reputation in the field of intellectual property and litigation.

Established in 2002, Chang Tsi & Partners is a "National Outstanding Law Firm (nominated by Ministry of Justice of China)." The firm has deep expertise in trademark, patent, copyrights, and other traditional areas of intellectual property. In addition, Chang Tsi & Partners has been focusing on highly specialized business areas, such as IP Commercial and corporate law.

"We are honored to receive this recognition from LEGALBAND," said Spring Chang, the founding and managing partner of Chang Tsi & Partners. "Our team works tirelessly to provide the highest quality legal services to our clients, and this recognition is a testament to our dedication and hard work."

Chang Tsi & Partners is committed to continuing to provide innovative and comprehensive legal solutions to clients in the intellectual property and corporate law fields



## Electronic Contract and E-Signature in China

### Corporate Team

With the development of internet technology and cross-border transactions in the globe village, especially the growth of digitalization under the impact of pandemic and sustainability, electronic contract and e-signature are more widely used in routine business and legal context in China. This also helps improve efficiency and convenience for international business involving parties from different countries.

The Civil Code of PRC has legitimated the validity of electronic contract, as stipulated in Article 469, The parties may conclude a contract in writing, orally, or in other forms. A writing refers to any form that renders the content contained therein capable of being represented in a tangible form, such as a written agreement, letter, telegram, telex, or facsimile. data message in any form, such as electronic data interchange and e-mails, that renders the content contained therein capable of being represented in a tangible form and accessible for reference and use at any time shall be deemed as a writing.

In addition, in Law of Electronic Signatures of PRC, Article 3 regulates that the parties may stipulate the use, or non-use, of electronic signatures or electronic data in a contract or other documents and documentations in civil activities. The legal effect of any document that uses electronic signatures and/or electronic data, as stipulated by the parties, shall not be denied simply because it takes the form of an electronic signature and/or electronic data.

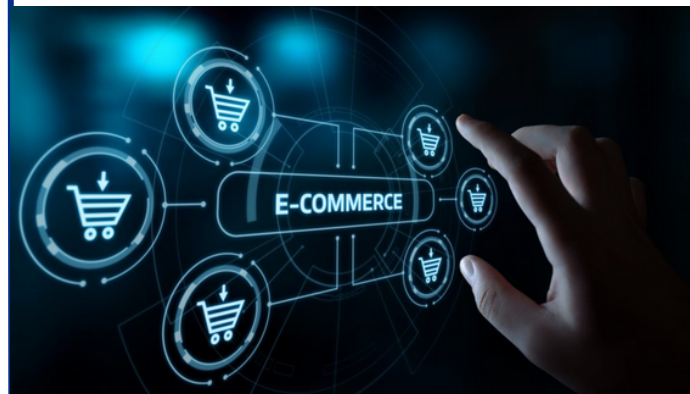
The e-contracts and e-signature has been broadly accepted in general civil contract, and governmental services. The Law of E-Signature also stipulates in Article 14 and 7 that a reliable electronic signature shall have the same legal effect as seal or signature by hand. No electronic data may be rejected for being used as evidence simply because it was created, sent, received or stored via electronic, optical, magnetic or other similar means.

Moreover, since March 2023, more than 3500 China courts nationwide support electronic service of documents in the Internet judicial blockchain platform or the People's Court online service applet for online verification. Thus, every electronic document served by the People's Court in the future will be verified by blockchain technology.

However, there are also some other risks in practice regarding the reliability and authenticity requirement for digital data in legal proceedings which requires more attention. In addition, please be noted that the above-mentioned provisions for e-signature shall not apply to the following documents:

1. Documents concerning personal relations, such as marriage, adoption and succession, etc.;
2. Documents concerning the termination of water supplies, heat supplies, gas supplies or other public-utility services; and
3. Other circumstances, under which electronic documents do not apply, as prescribed by laws and administrative regulations.

In the event of cross-border transactions between a Chinese party and a party outside China, there are some Chinese e-signature service vendors certified to provide relevant services in compliance with E-signature law available to help facilitate execution, such as E-SIGN and FADADA. China courts have widely accepted the validity of verified e-contract and e-signature.



# Chang Tsi & Partners Supported by Hong Kong Company Registry on Three Company Name Complaints

## Tracy Shen

In the Chinese market, a type of infringing company known as the "Hong Kong shell company" is rampant. Due to the relatively lenient scrutiny of company names during the registration process in Hong Kong compared to Chinese Mainland, many companies or individuals prefer to register their businesses in Hong Kong using well-known trade names or brands as their own. Typically, these Hong Kong shell companies do not conduct business in Hong Kong but instead use the names to operate in Chinese Mainland, attempting to impersonate well-known companies or mislead the public about the relationships between the well-known companies and themselves. This allows them to take advantage of the good reputation of these companies and gain unfair economic benefits quickly. The existence of these Hong Kong shell companies has caused significant distress to many rights holders.

Moreover, the individuals controlling these shell companies are often residents of Chinese Mainland. Pursuing these companies through litigation in Hong Kong requires a considerable amount of time and costs, making it difficult for rights holders in Chinese Mainland to protect their rights and stop the public confusion caused by the infringing behavior.

Chang Tsi & Partners, a law firm with extensive experience in handling similar cases, has represented numerous Fortune 500 companies in pursuing infringers by filing company name complaints with the Hong Kong Company Registry (HKCR). Chang Tsi has developed an efficient and fast process for protecting rights and has accumulated a wealth of successful experience. Every year, multiple complaints against infringing company names filed by Changtsi are supported by the HKCR.

Recently, attorneys Jessica Fang and Sierra Qian, members of Tracy Shen's team, jointly represented China National Agricultural Means of Production Group Co., Ltd. (CNAMPGC) in filing complaints against three Hong Kong shell companies that imitated CNAMPGC's trade name and company, causing confusion and misidentification among the related public. All three complaints were supported by the HKCR, resulting in the three Hong Kong shell companies being ordered to change their company names. The new names are no longer the same or similar to CNAMPGC.

CNAMPGC is the largest agricultural means of production enterprise in China, holding a significant position at the national strategic level and in the field of agricultural means of production. In recent years, CNAMPGC has been deeply troubled by Hong Kong shell companies that have imitated its trade name and company name to conduct business activities in Chinese Mainland, causing confusion among the related public. After learning about the extensive experience of Tracy Shen's team in dealing with Hong Kong shell companies, CNAMPGC approached Changtsi for legal support. Through further communication and strategy formulation, CNAMPGC entrusted Changtsi to file three complaints against the misleading company names of three shell companies established in Hong Kong. After gathering information from multiple sources, preparing the complaint materials thoroughly, and persistently communicating with the HKCR, all three complaints were supported, and currently, all three shell companies have voluntarily or been forced to change their names. This method has fundamentally stopped the related infringing behaviors and will effectively deter potential infringers in the market.

We kindly remind rights holders to proactively take measures to prevent similar Hong Kong shell companies from imitating company names or brands, as this could lead to an increase in imitators and significant damage to their reputation and economic benefits. Additionally, according to the Hong Kong Companies Ordinance, complaints against Hong Kong shell companies must be filed within 12 months from the registration of the names. Therefore, rights holders should be mindful of this deadline to avoid facing greater difficulties and costs in protecting their rights at a later stage.



**Tracy Shen**

Partner | Attorney at Law

Tracy Shen has practiced in the field of intellectual property law for over 10 years, with a focus on trademark law. She has in-depth experience in trademark litigation, trademark portfolio management and strategic counselling. Her experience covers all stages of the trademark lifecycle and consists primarily of procurement, opposition and cancellation proceedings, portfolio management, strategic counselling, civil litigation and enforcement.



# Chang Tsi & Partners Listed on the 2023 ALB China Employer of Choice

Chang Tsi & Partners is listed on the 2023 ALB China Employer of Choice. The ALB China Employer of Choice is an annual ranking conducted by ALB (Asian Legal Business), with a total of 15 law firms on this year's list.

ALB is one of Asia's leading legal publications, covering legal, business, and market dynamics in the Asia-Pacific region. ALB provides authoritative, timely news, commentary, and analysis for the business and legal community, and is also an important platform for law firms, corporate legal departments, and government agencies to access information and find business opportunities. Every year, ALB publishes a series of rankings and evaluations that aim to recognize outstanding law firms and individuals in the Asia-Pacific legal market.

This year, more than 2,600 partners, lawyers, and support staff working in mainland China's law firms participated in the selection, evaluating their firms from multiple perspectives such as job satisfaction, salary, training system, career development prospects, IT skills, work-life balance, etc.

Chang Tsi & Partners was awarded this honor, which fully reflects our outstanding performance in the employment culture and employee training. Chang Tsi & Partners has always adhered to the "people-oriented" philosophy, and has been awarded "Best Employer" by ALB for several consecutive years.

At Chang Tsi & Partners, there are ample opportunities to work with top lawyers from the world's leading law firms and first-class corporate legal departments, with advanced training systems and well-established SOPs.

We have a scientific talent development mechanism and promotion system, which enables young lawyers joining Chang Tsi & Partners to rapidly grow into internationally competitive outstanding lawyers.

We are fully aware that a harmonious labor relationship and ample development prospects are the prerequisites for high-quality services. To this end, we will continue to improve our management level, further enhance our service quality, strive to become the best professional platform in China, and become the most trusted legal service provider for our clients.



汤森路透ALB 2023  
ALB CHINA 年度雇主

CHINA LEGAL RANKINGS