

## **XIE Guanbin**

### **Senior Partner**



### **Areas of Practice**

Mr Xie's major practice areas include intellectual property disputes, antitrust and competition law, and consultancy for hi-tech companies. He has gained a high reputation in these areas with his solid academic background, government experience and professional dedication. He is winner of the first Outstanding Achievement Award at the 1<sup>st</sup> Science & Technology Law Awards from the National Office for Science & Technology Awards; Beijing's Top 10 Intellectual Property Lawyers elected by the Beijing Bar Association, Chambers Band 1 Leading Individual, Managing Intellectual Property IP Star, and has been consistently acclaimed as top practitioner in Legal 500 and other league tables in intellectual property and antitrust fields. Clients have found him "very strategic, experienced and responsive" and have praised him for his "standout presentation, attention to detail and sound advocacy skills."

Mr Xie's advisory activities in the technology industry include providing long term legal services to many notable multi-national enterprises and institutions including Microsoft, IBM, Intel, Samsung, Tetra Pak, Heinz, Solvay, Trend Micro, Tencent, Xiaomi, VIVO, DJI, China Unicom, PICC, China National Publications Import and Export (Group) Corporation, China Internet Network Information Center (CNNIC), Institute of Scientific and Technical Information of China (ISTIC), and others.

Mr Xie has successfully represented clients in many important IP cases:

For trademark disputes, he successfully helped Gome to obtain a declaration that "Gome" was a well-known trademark; he helped China's biggest property insurance company to claim the domain name "PICC"; he managed Danone China's trademark disputes with "Wahaha"; and he handled "The Voice of China" disputes.

For patent disputes, Mr Xie has successfully acted in *Samsung v. Huawei*, *Midea v. Gree*, *Sogou v. Baidu*, *Xiaomi v. Coolpad*, a case in which a transnational company claimed major damages for a series of core patent infringements; and a case involving a well-known telecom corporation for billions of RMB in royalties.

In copyright actions, he has, among other things, successfully defended a famous Taiwanese

finance software company against accusations of infringement before the Supreme People's Court; represented Yahoo in managing MP3 infringement disputes with international record companies; and represented a number of international software companies to claim damages in various litigations. In anti-unfair competition actions, he represented a listed company in a trade secret infringement case to claim RMB 100 million in damages; represented a US and EU based wind power company to claim almost RMB 3 billion damages for the misappropriation of trade secrets; represented an electronic appliance company in a dispute over a company name and trademarks; handled a competition case arising from the movie *Lost in Thailand*; and resolved a dispute relating to the false advertisement by Guazi.com.

For antitrust matters, he participated in a number of influential merger control filings; participated in the NDRC's antitrust investigations into LCD panels, milk powder, IDC, the automobile industry, Qualcomm chips, roll-roll, Maersk container shipping cases, and memory chips. He successfully handled China's first anti-trust lawsuit representing CNC; represented Qihoo 360 in the second instance of the antitrust case against Tencent (which was the first antitrust case heard by the Supreme People's Court); and defended TETRA PAK in an abuse of dominant market position case (China's first antitrust case filed after an administrative penalty decision).

Mr. Xie has extensive experience in the intersection of intellectual property and competition, particularly in the area of Standard Essential Patents (SEPs), where he has been fully involved in many leading cases, including the earlier Qualcomm cases, HDMI, Dolby and IDG cases, the later SEP injunction and rate-setting disputes in the mobile phone area, such as *Samsung v. Huawei* series cases, *Xiaomi v. IDG* series cases, *Samsung v. Ericsson* series cases, *VIVO v. Nokia* series cases, and *Xiaomi v. Huawei*, and currently automobile SEP disputes. Mr. Xie was deeply involved in many SEP licensing negotiations. He participated, as legal expert, in several legislative projects in the area.

Mr Xie once worked with the Policy and Legislation Division of the State Science and Technology Commission and the State Council Intellectual Property Conference Office, where he participated in the drafting and revision of state intellectual property and technology legislation and policies. He participated in bilateral IP negotiations with the US, Japan, the EU and Russia. From 1999 to 2002, he was Director of Huake Judicial Examination Centre for Intellectual Property, an appraisal institution established with the approval of the Ministry of Justice, where he was responsible for providing a great number of advisory and appraisal opinions on complicated IP cases to the Supreme People's Court and other courts. He founded

Lifang & Partners in 2002.

### **Professional Affiliations**

- Member of the Expert Consultation Committee (Beijing) of the IP Case Guidance and Study Base of the Supreme People's Court
- Member of the Experts Committee for Civil and Administrative Litigation Cases of the Supreme Procuratorate
- Arbitrator for WIPO
- Expert of the Asia Domain Name Disputes Resolution Centre at HKIAC
- Expert of the Domain Name Disputes Resolution Center, China International Economic and Trade Arbitration Commission (CIETAC)
- Arbitrator of the Beijing Arbitration Commission and International Commercial Arbitrator of the Beijing Arbitration Commission
- Arbitrator of the Wuhan Arbitration Commission
- Arbitrator of the Nanjing Arbitration Commission
- Arbitrator of the Chongqing Arbitration Commission
- Arbitrator for the Zhuhai Arbitration Commission
- Tutor for graduates, Tsinghua University
- Research fellow of the Competition Law Research Center, Peking University
- Research fellow of the International Intellectual Property Research Center, Peking University
- Part-time Research Fellow of IP and Competition Law Research Institute, Wuhan University
- Legal counsel to the CPC Beijing Municipal Committee
- Legal Expert for the Beijing Dongcheng District Government
- Executive Director of the China Law Association on Science and Technology
- Director of the Beijing Intellectual Property Association



- Member of the Intellectual Property Commission of the All China Lawyers Association
- Arbitrator of the Hainan International Arbitration Court

### **Awards**

- Chambers Band 1 Leading Individual in the IP field
- Managing Intellectual Property IP Star
- Outstanding IP Lawyer of China Law and Practice
- ALB China Top 15 IP Lawyers 2019
- China Intellectual Property Forum, Elite antitrust lawyer among top ten lawyers of 2019
- The Legal 500, Recommended Antitrust and Competition Lawyer, 2018
- WTR, Global Top Trademark Lawyer, 2018
- WTR, Recommended Litigation and Execution Lawyer, 2018
- ALB China Top 15 IP Lawyers 2016
- Elite antitrust lawyer among top ten lawyers of 2013
- Beijing's Top 10 Intellectual Property Lawyers, 2013
- Excellent managing director of a law firm in Beijing, 2010
- Second prize of excellent papers of the Second Beijing Lawyers Forum 2010
- Top ten cases of Intellectual Property Commission of the All China Lawyers Association, 2010
- Excellent Paper of 2010 annual meeting of China Law Association on Science and Technology
- Top ten IP Papers of Intellectual Property Commission of the All China Lawyers Association, 2009
- Outstanding Achievement Award at the First Science & Technology Law Awards from the National Office for Science & Technology Awards, 2008

### **Publications/Speeches**

- Anti-unfair Competition Law of China, *China Financial and Economic News*, 1994

- Legal Protection of Trade Secrets, *Journal of Science, Technology and Law*, 1994
- Transnational and Regional Features of IP Protection System, *China Machinery & Electric Industry*, 1995
- Technical Ascertainment in IP Cases, *Journal of Science, Technology and Law*, 1999
- Observing Domain Name Protection Policy in China in Light of the IKEA Case, *China Law*, 2000
- Domain Name Protection and the Development of IP Law, *Law Review*, 2001
- Doctrine Applicable to Intangible Assets Competition, *Intellectual Property Rights*, 2002
- Comparison between the Sci-tech Management System and IP System in China and Measures for Coordinated Development, *Science Technology and Law*, 2002
- Possibility and Countermeasure Analysis on the WTO Disputes between China and the USA regarding Intellectual Property, *Legal Daily*, 25 Sept 2006
- Restraining IP Abuse by Anti-monopoly Law—Tsum (Sichuan) Technology Co Ltd v. Sony Case Review, *Electronics IP*, 2007
- Reasonable Definition of Fault Liabilities of Search Engine Providers – Another Look at the First Instance Judgment of Yahoo v. Baidu, *Intellectual Property*, No. 1, 2008
- Bottomline in Law for Search Engine Providers, *Faren Magazine*, 2008
- Tomato Garden and IP Strategy, *Legal Daily*, 24/08/2008
- End of False Prosperity: A return of rationality in well-known trademark recognition, *Legal Daily*, 30/04/2009
- Infringement Liabilities of Internet Search Engine Providers, *Journal of Science, Technology and Law*, 2009
- Analysis of Copyright Issues of Technical Standards, *Intellectual Property*, 2010
- A Tentative Discussion on the Functional Features of Designs (1<sup>st</sup> Edition), Intellectual Property Publishing House, 2011
- IP Protection in the Past 20 Years in China, Patent Literature Publishing House
- China IP Law, CCH Publishing House of Australia
- Theory and Practice of China Tax Law, Wuhan Press
- Legal Enchiridion for Officials in Science and Technology Industry, China Legal Press
- Comment on the 2<sup>nd</sup> Instance Decision of Qihoo v. Tencent for Abuse of Market Dominance, *Journal of Science, Technology and Law*, 2014
- A Milestone in SEP-related Antitrust Law Enforcement: Qualcomm Case Review, *Price*



*Supervision and Anti-Monopoly in China, 2015*

- Foreign Companies Should Adapt to China's Antitrust Policies, 16 Aug 2014, *Beijing Times*: 002
- Antitrust Enforcement not Constrained by "Chinese Model"
- China's Antitrust Regulation on Abuse of IP Rights: A Note to Qualcomm Case
- A Brief Comment on the Suspension of Investigation of IDC's Abuse of Market Dominance
- "Qualcomm Case" Signals the Government's Resolution to Fight Abuse of Intellectual Property Rights, 24 July 2014, *Beijing Times*: 003
- Judicial View of FRAND Principle and Injunctive Relief in SEP Litigations of China. *Concurrences*, 2018

**Education**

- LLD, Economic Law, Law School of Peking University
- LLM, Economic Law, Law School of Wuhan University
- LLB, Economic Law, Law School of Wuhan University
- Advanced Studies on Intellectual Property and Technology Transfer (Japan)
- Intern lawyer with Chandler LLP (USA)

**Qualifications**

- China Licensed Lawyer (1993)
- China Licensed Trademark Attorney (2000)

**Working Languages**

- Mandarin Chinese
- English