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CMS von Erlach Henrici CMS Hasche Sigle CMS Reich-Rohrwig Hainz

# China Lifesciences group

Supporting your business in China

2008



# Who we are

CMS is the alliance of nine major independent European law firms providing clients with a full range of legal and tax services based on a thorough understanding of their businesses.

The CMS Shanghai Office is a cooperation between CMS Bureau Francis Lefebvre (France), CMS Cameron McKenna (UK) and CMS Hasche Sigle (Germany) and offers an integrated service to clients throughout China. The office is staffed with more than 30 lawyers, most of them Chinese, and the others from France, Germany, the UK and Switzerland and provides an extensive range of legal advice and services to clients doing business in China.

In the CMS Shanghai Office, we work hard to be a truly client focused law firm. This means understanding the unique needs and challenges of each market sector, and providing a service that is tailored to the particular concerns and requirements of each client. Using our industry expertise for the benefit of our clients is a key focus of the office.

Our lifesciences group brings together experts from across the legal disciplines, all focused on providing tailored services in the lifesciences sector. All group members devote time maintaining their legal and business knowledge to keep abreast of the ever changing and fast developing environment, whilst building an extensive network of useful relationships throughout China.

“ The team comprises specialists in pharmaceuticals, medical devices and biotechnology, who win strong client praise for being *‘extremely knowledgeable and approachable lawyers, always delivering a clear-cut, quality service.’*”

Chambers and Partners, 2008

The CMS Shanghai Office has a track record of advising lifescience businesses throughout China and has unique expertise in many legal aspects of the pharmaceutical sector, including in particular: regulatory framework, protection and enforcement of intellectual property rights, distributorship agreements and product/medical liability issues.

# What we do

Our lifesciences team advises on a wide range of legal issues. Our clients range from medium sized enterprises to major institutions and the largest multinationals.

Some of our recent work in the lifesciences field includes:

## A world-leading pharmaceutical company

- Assisting on conducting its business in China and providing advice notably on product liability, commercial arrangements associated with research and development, including collaborative R&D agreements and drafting of licensing agreements

## A biotech company

- Drafting legal memoranda regarding the structuring of their investment project as well as description of the regulatory environment of the production of Fetal Bovine Serum in China

## A well-known medical devices manufacturing company

- Advising on the legal and regulatory IVD marketing requirements in China

## A world renowned vaccine manufacturing company

- Representing for product/medical liability in China and the legal consequences of adverse reactions to vaccination in China

## An international pharmaceutical federation

- Advising and lobbying on the enforcement of pharmaceutical patent rights in China

## A well-known European OTC pharmaceutical company

- Providing assistance with regard to the protection of their intellectual property in China including issues regarding trademark protection challenges and enforcement, counterfeiting, etc

## Multiple companies

- Assisting in the establishment of pharmaceutical manufacturing subsidiaries and R&D centers

## Numerous multinational companies

- Representing in their Merger & Acquisition transactions, notably for the acquisition by a world-renowned foreign invested pharmaceutical company of 3 manufacturing subsidiaries in mainland China and operations in Hong Kong for a value of US \$25 million

“ CMS’s strengths are, being very easy to deal with, very practical and good at getting things done. They are very professional and there is generally a great sense of trust that they will give good advice ”

Client feedback

# Our team



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## Why recommended

Jonathan is the Chief Representative of CMS Bureau Francis Lefebvre Shanghai office. He advises on a wide range of corporate matters, with a particular focus on M&A and lifesciences related issues such as product liability. He specialises in drafting and advising on intellectual property licence agreements, collaboration arrangements (including research and development agreements, joint ventures, and partnerships), sales and distributor arrangements, research and development, manufacturing and supply. Jonathan also has experience advising in relation to patent, design, copyright, trademark, and confidential information issues. Before moving to China in 2002, he acted for more than two years as legal adviser at the Swiss Institute of Intellectual Property (department international trade relations) and member of the Swiss delegation to the WTO and was part of the negotiation team on the accession procedure of China. He has closely cooperated during that time with the Association of pharmaceutical research firms in Switzerland. Jonathan speaks English, French, German, Spanish and Chinese (Mandarin).



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## Why recommended

Emmanuel is a Partner of CMS Bureau Francis Lefebvre and is in charge of its China Practice. Emmanuel has over 12 years' experience of advising on cross-border transactions involving China. He specialises in drafting and advising on, intellectual property licence agreements, collaboration arrangements (including joint ventures and partnerships), sales and distributor arrangements, manufacturing and supply agreements. Emmanuel also has experience in advising on tax related to intellectual property. He has dealt with compensation claims for a major vaccine manufacturer. Before joining the firm in 1999, Emmanuel worked for three years in Taiwan with a French law firm. He then moved to Shanghai in 1995, working with a legal consulting firm. Emmanuel holds a postgraduate degree in industrial property law (University of Paris II). Emmanuel speaks French, English and Chinese (Mandarin).



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### **Why recommended**

Jerry is an associate lawyer of the Shanghai office. Before joining the firm, he has spent 6 years working at the Chinese State Food and Drug Administration (SFDA) in Beijing. Jerry has an in-depth knowledge of China's regulatory framework and its operational rules and also possess a good understanding of the food and drug industry (legislative, policy and macroeconomic environment). He was a chief member of the drafting team on the Implementation Regulations of the Drug Administration Act and reviewed numerous directives issued by SFDA in the food and drug industry. Further, he has handled, as in-house counsel of SFDA, hundreds of lawsuits since the year 2000. He has also handled reconsideration applications raised by pharmaceutical companies some of which highly influential. He has also been closely involved in national law enforcement measures throughout China and has nurtured a privileged relationship with many local authorities. Finally, he regularly contributes to academic journals in the lifesciences industry. Jerry speaks English and Chinese (Mandarin).



### **George Ji**

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### **Why recommended**

George is a Senior Associate of CMS Bureau Francis Lefebvre's Shanghai office. He mainly advises on M&A transactions in various sectors including in the pharmaceutical sector. He has assisted numerous pharmaceutical companies with regard to their marketing practices, product liability, protection of intellectual property and other general corporate issues. He also has experience in establishing R&D facilities in China and negotiating and drafting related agreements. George speaks English, Chinese (Mandarin) and Shanghai dialect.



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### **Why recommended**

Nicolas is an associate lawyer of the Shanghai office. He mainly advises on Intellectual Property issues and has dealt with numerous patent protection enforcement and counterfeit matters. He specialises in drafting and advising on intellectual property licence agreements. He also has extensive experience regarding product liability cases. Nicolas speaks English, French, Chinese (Mandarin) and Shanghai dialect.



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### **Why recommended**

Jessie Xu is a tax consultant of the CMS Shanghai office. Jessie advises on a wide range of direct and indirect tax matters including transfer pricing. She regularly advises pharmaceutical companies on tax related matters. Jessie speaks English and Chinese (mandarin).

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CMS is the organisation of independent European law and tax firms of choice for organisations based in, or looking to move into, Europe. CMS provides a deep local understanding of legal, tax and business issues and delivers client-focused services through a joint strategy executed locally across 28 jurisdictions with 56 offices in Western and Central Europe and beyond. CMS was established in 1999 and today comprises nine CMS firms, employing over 2,200 lawyers and is headquartered in Frankfurt, Germany.

CMS nine member firms are: CMS Adonnino Ascoli & Cavasola Scamoni (Italy); CMS Albiñana & Suárez de Lezo (Spain); CMS Bureau Francis Lefebvre (France); CMS Cameron McKenna LLP (UK); CMS DeBacker (Belgium); CMS Derks Star Busmann (Netherlands); CMS von Erlach Henrici (Switzerland); CMS Hasche Sigle (Germany); and CMS Reich-Rohrwig Hainz (Austria).

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