

By Sharon Callahan and Professor John Orcutt

Shaping Intellectual Property Law in China

Shen Hong LLM '

SHEN HONG LLM '03 IS A PARTNER AT THE ZHONG LUN LAW FIRM, MAINLAND CHINA'S THIRD LARGEST LAW FIRM with 300 employees and offices in Beijing, Shanghai, and Shenzhen. Hong works in the firm's Beijing office, which is located in Beijing's booming financial district.

From the Zhong Lun offices, the changing face of China and its growing economy are visible from every direction. One only has to look at the city through the windows of the paneled conference rooms that line the firm's 12th and 13th floors to view the dramatic transformation that is taking place as the city builds new housing for its citizens and new hotels for the throngs of visitors who will travel to Beijing for the Olympic Games in 2008.

China's rapid economic growth has created high demand for attorneys like Hong who can provide expertise in intellectual property, foreign direct investment and complex litigation. Whether she is assisting a multinational corporation in managing its intellectual property assets in China, structuring a cross-border M&A transaction, or assisting a client to enforce its intellectual property rights in China, Hong is excited about the growth and development of China's legal system.

Born in Jakarta, Indonesia, Hong grew up in China's capital city of Beijing, formerly known as Peking, with her father Dingyi Shen, mother Linfeng Xie, and older brother Lin Shen. Her parents traveled extensively in their work for China's National News Agency. Her mother served as a chief reporter in northern Europe, traveling on assignment to more than 20 countries, and her father to over 30, while Hong was growing up. It was Hong's mother who had the greatest impact on Hong's career choice.

"It was my mother who decided that I would be a lawyer," jokes Hong, "I wanted to be a painter." Hong earned an ML degree in 1983 and LLB degree in 1997 from Peking University. She received her LLM from Pierce Law in 2003.

Prior to joining Zhong Lun in 2004, Hong worked for Central Link, KAI Yuan Law Firm, and a state aviation company. At Zhong Lun, Hong has the opportunity to use the law to help shape China's economic future.

"We aren't just practicing law in China right now," Hong explains. "We are making law—and doing so at a very rapid rate. Whether you're talking about China's new intellectual property codes, new company law, new M&A laws or new bankruptcy code, just to name a few examples, China is quickly developing a truly modern legal system in a very short period of time."

Not only is Hong serving as a legal pioneer with her work at Zhong Lun, she has also helped to educate many of the current generation of Chinese lawyers. Before returning to private practice, Hong was a law professor for eleven years at the China University of Political Science and Law in Beijing where she taught a course on the constitutional laws of Western countries.

Hong is part of the new breed of Chinese lawyers who have developed areas of specialization.

"Traditionally, Chinese lawyers have not specialized. Chinese lawyers are often times the classic generalists, who work in all areas of the law. As the economy and the legal system require greater expertise, Chinese lawyers are having to adapt by specializing," explains Hong. "I chose to specialize in intellectual property because I believe that IP rights are the key to China's continued economic success."

When asked about the future of intellectual property rights in China, Hong is very optimistic. "China has a rapidly-growing economy that appears to have substantial room for future growth. At the same time, China is only beginning to scratch the surface on the power of intellectual property rights and assets," says Hong.

"For example, one of the firm's major clients is East China University of Science and Technology, which holds over 200 patents. Protecting those IP rights is just the first step." explains Hong. "We also need to work to figure out how to maximize the productive use of those IP assets."

Zhong Lun's clients include Chinese state-owned enterprises, Chinese private enterprises, and many of the world's largest multi-national companies.

"It's hard to describe how exciting it is to be a lawyer in China right now," says Hong. "We are making the legal decisions today that will directly impact the success of China tomorrow."