

WEN ZOU

Partner·Shenzhen

+86 755 8159 3550

wen.zou@fangdalaw.com

PRACTICE AREA

Ms. Zou specializes in intellectual property litigation and arbitration, criminal and civil protection of trade secrets, overseas litigation management, intellectual property compliance and criminal risk management.

Education

- Wuhan University, LL.M.
- Wuhan University, LL.B.

Professional Qualification

- Admitted to practice in the PRC

Professional Background

- Ms. Zou joined Fangda as a partner in 2022. Prior to joining the firm, Ms. Zou had practiced law for 16 years with deep expertise in the field of criminal and IP disputes. Ms. Zou obtained her practice license in June, 2019 in Shenzhen.

Ms. Zou is experienced in handling highly adversarial and complex cases. Since practicing laws as a lawyer, Ms. Zou has provided legal services to multinational companies, internet giants and listed companies including LyondellBasell, Bilibili and Deren on criminal and civil matters involving trade secrets protection, achieving positive results by obtaining preliminary injunctions, conviction of infringers and high compensation. Ms. Zou has represented leading companies in the field of semiconductor, medical device, and communications industry, including NICHIA, EDAM, HC SemiTek and Ericson, in numerous patent litigations between competing companies as well as SEP litigations. Ms. Zou has contributed to overseas litigation management for clients and represented them in the parallel litigations in China. Additionally,

Ms. Zou has assisted numerous multinational and domestic clients, including SHEIN, XIAOGUANCHA and Anker, in protecting their core trademarks, domain names and other IP rights. Ms. Wen Zou has been recognized by Chambers Greater China Region for her outstanding work in Intellectual Property Litigation. She has also been named by LEGALBAND as one of the Top 15 Female Lawyers in China, one of the Top 15 Lawyers in Economic Crime, and received a Special Recommendation for Intellectual Property Litigation. In addition, she was selected by China Business Law Journal for The A-List Elite Lawyers and recognized as one of the Growth Drivers of the Legal Profession.

REPRESENTATIVE MATTERS AND CASES

Trade Secret

Litigation

- Represented a new energy company in the criminal litigation relating to theft of trade secrets by an employee of its competitor, which was selected as one of the *Top 10 Typical Intellectual Property Trial Cases in Guangdong Province in 2020*, *The Major Events of Trade Secret Protection in Guangdong Province*, and *Typical Cases of Trade Secrets Protection of Guangdong Courts*.
- Represented LyondellBasell in the internal investigation and continued civil litigation concerning its former employee’s misappropriation of trade secrets, successfully recovered the mobile storage devices with trade

secrets during the investigation, and assisted the company in obtaining an injunction order from the court, prohibiting the former employee from using trade secrets during the litigation process.

- Represented a multinational company in a preliminary investigation against a former employee for misappropriating trade secrets in China, successfully recovered the mobile storage devices with the company's trade secrets from its former employee.
- Represented a multinational company in building a criminal case and initiating criminal investigations concerning the misappropriation of trade secrets by its business competitor and former employees in China.
- Represented a leading internet company in a trade secret litigation involving software source code, achieving positive results within two months.
- Represented a leading internet company in a trade secret litigation involving business operation information against its former employees, and settled with an amount exceeding ten millions RMB.
- Representing a foreign-invested seed company in both civil and criminal actions for trade secret protection.
- Represented a leading medical device company in a trade secret litigation and obtained high compensation.

Compliance and Consultation

- Represented a semiconductor manufacturer in establishing its trade secrets compliance system.
- Represented a company in the field of medical environment in setting up its trade secret protection system and non-competition management system.
- Represented Gemdale Corporation in setting up its comprehensive intellectual property management system, including trade secret protection system.
- Represented a high-tech company in the visual field in China during its Pre-IPO stage in setting up its trade secrets management system to manage the potential risks of misappropriating third parties' trade secrets.
- Represented a domestic manufacturing company during its Pre-IPO stage in setting up its trade secrets management system to manage the potential risks of misappropriating third parties' trade secrets, and providing strategy for handling the potential IP litigations. The company had made a successful IPO.
- Advised a subsidiary of NAURA Technology Group Co., Ltd. on reviewing and testing its trade secret protection system.
- Advised a multinational pharmaceutical company on its trade secrets protection system in China.
- Advised a medical device company on its trade secret protection system for its IPO purpose. The company had made a successful IPO.
- Represented a renowned investment company in addressing criminal trade secrets risk associated with its invested enterprise.
- Advised a renowned investment company on estimating criminal trade secret risks related to its proposed investment enterprise.

Patent Litigation and Patent Strategy

- Represented NICHIA in a series of patent litigations against Taiwan Everlight Electronics in the courts and the Patent Reexamination Board in China.
- Represented HC SemiTek, a leading domestic LED chip company, in the patent battles against Sanan, and retained by HC SemiTek to advise on trade secrets and non-competition issues.
- Represented a leading domestic company in the acoustics field in the patent battles against its competitors.
- Represented a leading medical device company in the patent battles against its competitors, and achieved positive results.
- Represented a medical device company in the patent battles against its competitor during its Pre-IPO stage, achieving positive results.
- Represented Ericson in the SEP litigation against a domestic cell phone manufacturer.
- Represented a leading internet company in its compliance project for SEP in the field of audio and video, studying applicable policies in different countries and advising on the actions for improvement.

- Represented Jenscare Scientific Co., Ltd. (09877.HK) in Free to Operate (FTO) and patent stability analysis in China and Europe (in cooperation with the European law firm) during its Pre-IPO stage. Jenscare had made a successful IPO in Hong Kong.
- Represented a leading medical company in patent layout and trade secret protection consultation for new products under development.

Parallel Litigation and Overseas Litigation Management

- Represented a listed company in the lithium battery industry in parallel litigations including patent and trade secret litigations against its US competitors in three countries, including handling the litigations in China and overseas litigation management.
- Represented a high-tech company in parallel litigation in the US and China during its IPO process in the US, including handling the litigations in China and overseas litigation management.
- Represented the defendant in the Chinese litigation, part of the parallel litigations including trade secret infringement and patent ownership disputes over an innovative pharmaceutical product in China and the US. Successfully supported related litigation in the US, resulting in the plaintiff withdrawing lawsuits in both countries.
- Represented the subsidiary corporations of a Hong Kong-listed company in trade secret parallel litigations across Hong Kong and mainland China.
- Represented a listed company in the smart terminal components industry to get settlement of a US patent case.
- Advised for a high-tech company on serving process relating to its US litigation and issued a legal opinion, which was adopted by the US court and resulted in the invalidation of the opposing parties' former process serving.
- Advised for a telecom communication device company on the application of Chinese laws and provided the legal opinion during the enforcement in its US litigation.
- Advised for a leading internet company on process serving procedure under Hague Convention relating to its US litigation.
- Advised for a state-owned manufacturing company on process serving procedure under Hague Convention relating to its US litigation.
- Represented an internet company in monitoring and managing the status of its overseas litigations.

Copyright, Trademark and Unfair Competition Litigation

- Represented a famous fashion e-commerce company SHEIN in copyright protection matters.
- Represented the renowned Chinese tea brand "XIAOGUANCHA" in winning trademark administrative and civil litigations, preserving the distinctiveness of its trademarks.
- Represented a geotechnical engineering survey company in winning a trademark and unfair competition case.
- Represented a leading internet company in winning a series of unfair competition cases. One of these cases was selected by the Guangzhou IP Court as *One of the Top 10 Typical Cases of Serving and Protecting Science and Technology Innovation in 2022*, while another was selected by Sichuan High People's Court as *One of the Annual Representative 10 IP Protection Cases in 2022*.
- Represented China Overseas in a trademark infringement and unfair competition case, which was settled and get paid quickly.
- Represented the leading bakery ingredient company Ligao Foods in winning unfair competition cases, the "blue stripe" which is the important part of the packaging of the product was recognized as the trade address of certain influence.

Intellectual Property Compliance and Criminal Risk Management

- Represented an internet derivative software company in its key products compliance project, including accessing

the criminal, civil and administrative risks relating to its products, studying applicable policies and advising on the actions for improvement.

- Represented a leading internet company in its criminal compliance project for its products.
- Represented an internet company in its criminal compliance project for data protection.
- Represented a state-owned financial company in consultation project for concerned criminal matters.

Publications/Articles

Research Report

- A Legal Research Report on Cases of Trade Secret Disputes Arising from Employee Turnover（2019-2021）， Wen ZOU & LexisNexis, May 2022;
- A Legal Research Report on Cases of Trade Secret Disputes Arising from Employee Turnover（2015-2018）， Wen ZOU & LexisNexis, May 2019.

Essays & Articles

- Frontier Observation of Trade Secrets: The Secrets in Big Data (Wen ZOU, Xueqing LIU), Legal Person, July 4, 2022;
- Trade Secrets 2022 (2nd Edition) (Jerry XIA, Ning DONG, Wen ZOU), Law Business Research Ltd, April 2022;
- Practical Analysis of Punitive Damages in Trade Secret Infringement Cases (Wen ZOU, Xueqing LIU), IP LEAD, February 2022;
- Interpretation of Shenzhen Special Economic Zone's Anti-Unfair Competition Regulations (Draft) from the Perspective of Trade Secrets Practice (Wen ZOU, Xueqing LIU), LexisNexis, December 2021;
- The Impact of Amended Trade Secrets Law in 2020 (Wen ZOU, Wenmin XIAO), Wolters Kluwer, February 2021;
- Brief Analysis of Highlights of Recent Amendment of Criminal Part and Judicial Interpretation of Trade Secret Law from the Perspective of Practice (Wen ZOU, Yanyan DENG, IP LEAD, October 22, 2020;
- Analysis on the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Civil Cases Concerning Trade Secret Infringement Disputes (Draft for Comments) (Wen ZOU, Xueqing LIU), IP LEAD, June 17, 2020;
- Implications of the US-China Phase One Trade Deal on Trade Secret Enforcement (Jerry XIA, Wen ZOU, Jing HE), LEGALBAND, March 2020；
- The New Situation and New Problems of Trade Secret Protection (Wen ZOU), LexisNexis, January 2020；
- Probing into the Handling of IP Cases Involving Civil and Criminal Matters (Wen ZOU, Jiaxin ZHANG), IP LEAD, October 2019;
- China’s New Legislative Efforts to Improve Protection of Trade Secrets (Wen ZOU), LEXOLOGY, September 2019；
- Standard for Determination of Client List as Trade Secrets and Suggestions (Wen ZOU, Anbi XU), IP LEAD, December 2018;
- The Connections between Trade Secrets and Patents (Wen ZOU, Yue LIU), IP LEAD, October 2018;
- Comprehensive Introduction on the Jurisdiction over Trade Secret Cases from Three Perspectives (Wen ZOU, Yuan ZHENG), IP LEAD, January 2018.

Professional Affiliations

- Arbitrator of the Shenzhen Court of International Arbitration (SCIA)
- Panelist of the Domain Name Dispute Resolution Body at the Hong Kong International Arbitration Centre (HKIAC)

- Vice President, Biomedical Intellectual Property Branch, Guangdong Precision Medicine Application Association
- Expert, Trade Secret Protection Base Expert Group of Nanshan District, Shenzhen, Guangdong Province
- Industry Expert in the field of Trade Secret, Zhejiang Province Trade Secret Expert Group
- Expert, Domain Name Dispute Resolution Expert Group of Hong Kong International Arbitration Centre
- External Expert, Shenzhen Market Supervision and Administration Bureau
- Expert, Shenzhen Fair Competition Review and Competition Law Expert Group
- Expert, China (Shenzhen) Intellectual Property Protection Center Overseas Rights Protection Expert Group
- Expert, Capital Intellectual Property Services Association Trade Secret Committee
- External Expert, Shenzhen Brand Protection and Development Association