
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

C. K. KWONG
Sit, Fung, Kwong & Shum
Hong Kong, China



Nationality: Chinese

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Law Degree, University of Hong Kong (1976);
Diploma, International Commercial Arbitration, Chartered Institute of Arbitrators ("CI Arb") (2003);

Solicitor:

Hong Kong, 1979;
England, 1983;
Victoria, Australia 1984;
Singapore, 1989.

Notary Public (1990);
Chartered Arbitrator of the CI Arb (2008);
Centre for Effective Dispute Resolution ("CEDR") Accredited Mediator (2010);
Oversea Member of the Institute of Trademark Agent (London).

LANGUAGES

English, Chinese and Cantonese

PRESENT POSITION

Senior Partner and Head of Intellectual Property Department of Sit, Fung, Kwong & Shum. Has been practising intellectual property for over 30 years.

AREAS OF SPECIALIZATION

Intellectual properties (registration, licensing and enforcement of patent, design, copyright and trademark) and injunction proceeding, arbitration, banking, public and private corporate transactions, China projects, complex commercial litigation.

MEMBERSHIP IN PROFESSIONAL BODIES

Government Appointments:

Appointed as Justice of the Peace by the Chief Executive of the Hong Kong Special Administrative Region in 2008.

Deputy Chairman of Copyright Tribunal of the Hong Kong SAR, 1999-2005.

(Notes: the Copyright Tribunal is a quasi-judicial body established under the Copyright Ordinance. It is empowered to adjudicate disputes on copyright royalties payable to various bodies that administer copyright collectively. It also adjudicates on other copyright disputes arising, for instance, between employers and employees. The Deputy Chairman is appointed by the Chief Executive of Hong Kong and must possess the qualifications required for appointment as a District Court Judge);

Member of the Administrative Appeals Board of the Hong Kong SAR, 2000-2006. *(Notes: the Administrative Appeals Board is a general appeals board established under the Administrative Appeals Board Ordinance to handle a wide range of statutory appeals against certain administrative decisions by government departments.);*

Member of the Panel of the Inland Revenue Board of Review 2004-2007. *(Notes: the Inland Revenue Board of Review is a quasi-judicial body established under the Inland Revenue Ordinance to decide on appeals from tax assessments made by the Commissioner of Inland Revenue.);*

Member of Steering Committee on Review of IP Issues in the Innovation & Technologies Section (since 2010);

Member of Advisory Committee on Patent System Reform (since 2011);

Member of Working Group on Intellectual Property Trading (since March 2013) and Convenor of its IP Arbitration and Mediation Sub-group.

ADR related Institutes

Fellow of the CIArb (2006);

Fellow of the HKIArb (2006);

Chartered Arbitrator CIArb (2008);

CEDR Accredited Mediator (2010);

President of the HKIArb (2021).

Other Membership:

President (2012-2015) / Senior Vice President (2006-2012) / Chairman of the Workshop Group (2003-2012) / Vice President (2003-2012) of the Asian Patent Attorneys Association ("APAA") and Group President (1997-2003) of the APAA Hong Kong Group;

Member, Intellectual Property Committee of the Law Society of Hong Kong;

Member of the Law Society of England;

Overseas Member of the Institute of Trade Mark Agents;

Member of the Singapore Academy of Law.

EXPERIENCE IN INTELLECTUAL PROPERTY LAW

Intellectual property (registration, licensing and enforcement of patent, design, copyright and trade mark), injunction proceedings, contractual disputes, complex commercial litigation, corporate transactions (public and private) and Chinese projects.

Conferences:

Speaker at international conferences including those at the Asian Patent Attorneys Association, Japanese Customs Intellectual Property Information Centre (CIPIC) and the Symposium on Intellectual Property Systems in Mainland China, Hong Kong and Macau (a joint event by the PRC/HK/Macau Governments).

Advice/Appointments:

Rendered advice /supervised/handled cases in relation to domain name dispute matters; appointed by the World Intellectual Property Organization Arbitration and Mediation Center as Presiding Panelist , Sole Panelist and Co-Panelist in over 59 UDRP cases (Sole Panelist or Presiding Panelist in 51 of such cases) and WIPO Legal Rights Objection (LRO) Panelist.

Deputy Chairman of Copyright Tribunal of the Hong Kong SAR, 1999-2005.

PUBLICATIONS

Author of various articles published in the APAA news, CIPIC journals and other reports.

List of selected conference papers and articles.

“Laws and Measures Against Counterfeiting in Hong Kong” – Journal of the Intellectual Property Society of Australia and New Zealand Inc. March 1998.

“Friendlier Transition Needed” – Hong Kong Lawyer Magazine September 1998.

“Global Strategies for Dealing with IP Protection in Taiwan; Mainland China and Hong Kong China” (International Intellectual Property Symposium in Celebration of The Establishment of The Intellectual Property Office February 1999).

Protecting Shapes: 3D Trade Marks Vs. Registered Designs – (APAA-FICPI Joint Forum – New Delhi 2000 – Plenary Session).

Criteria to determine famous and well-known marks in APAA countries (PRC, HK and Macau IP Symposium 2001).

Recent Developments of Patents Protection – Hong Kong SAR (IP Symposium 2001).

Protection afforded by registration of patents and registered designs in the Hong Kong Special Administrative Region and Related Legal Services (Guangzhou Hong Kong Intellectual Property Services Conference 2003).

Judicial Protection of IP Rights in Hong Kong (IP Symposium December 2003).

Legal Actions against IP Infringement in HK (The Korea Industrial Property Law Association Publication Dec 2003).

World TM Law Report – Well-known mark protection in China, HK, Macau & Taiwan (World Trade Mark Reporter July 2004).

Knowing IP rights series – Product Design and Patent Application – Trade Secret and Patent Law (Lecture Jan 2005).

Customs Measures Against Infringement of IP Rights in Hong Kong & Mainland China – The Customs Intellectual Property Information Center of Japan – October 2005.

Lectures in WIPO – SIAC Workshop on Arbitration of Intellectual Property Disputes and on WIPO Domain Name Dispute Resolution, Singapore 2005.

Famous marks and abusive company name registrations - a growing concern (World Trade Mark Reporter February 2006 Special Report).

Three-dimensional marks remain a tough proposition (World Trade Mark Reporter-June 2007).

Lectures at WIO Sub-Regional Workshop on Arbitration and Mediation in Intellectual Property Disputes, Singapore August 2008.

Lectures at Inaugural China-International IP Forum, Beijing, June 2010.

Lectures at Value-added Legal Services Roadshow in Qingdao, China, August 2011.

Lectures at FICPI SEAD Course – Hong Kong module, Hong Kong, September 2011.

EXPERIENCE IN COURT LITIGATION

Experience in handling and/or supervising litigations in Hong Kong, The People's Republic of China, United States, Australia, United Kingdom, Taiwan, and Malaysia.

Five Copyright Tribunal cases as Deputy Chairman of the Copyright Tribunal.

Four Inland Revenue Board Review cases as a Member of the Review Board.

Eleven Administrative Appeals cases as a Member of the Administrative Appeals Board.

PROFESSIONAL TRAINING IN MEDIATION

CEDR Mediator Skills Training Course 26, 27, 29, 30 & 31 March 2010.

Dooley v NIPEC Resolving Commercial Disputes through Mediation - mock mediation from the preliminary meeting through to settlement (on 28.5.2005).

Talk by Michael Cohen & Philip Newman of the Academy of Experts;
"Experts in Mediation – Uses, Abuses and Problem Areas" (on 16.6.2006).

The University of Hong Kong Faculty of Law - Talk by Professor Dame Hazel:
"Developing Court-Linked Mediation for Civil and Commercial Disputes in the English Courts" (on 26.6.2007).

Hong Kong Institute of Arbitrators:
Workshop on Problems and difficulties in the practice of Mediation (on 7.8.2009);
Workshop on Principles of Mediation (on 7.8.2009).

Chinese University of Hong Kong Faculty of Law:
Talk by Assistant Professor Sarah E. Hilmer;
"Mandatory Mediation: A Workable Solution" (on 31.8.2009).

PROFESSIONAL TRAINING IN ARBITRATION

Attended a course on International Commercial Arbitration organized by The Chartered Institute of Arbitrators in 2003 and passed the examinations required for obtaining a Diploma in International Commercial Arbitration with highest score in practice and procedure.

Attended courses organized by The Chartered Institute of Arbitrators (London) and the Hong Kong Institute of Arbitrators, and Hong Kong International Arbitration Centre regularly as well as those leading to accreditation for Chartered Arbitrator, Fellow and Adjudicator status.

Attended CEDR mediator skills training course and became an Accredited Mediator in 2010.

EXPERIENCE IN ARBITRATION

WIPO Arbitration and Mediation Center appointed neutral.
Listed Arbitrator of the Hong Kong International Arbitration Centre (HKIAC).
President of the Hong Kong Institute of Arbitrators (HKI Arb).
Member of Panel of Adjudicators of the HKIAC.
Member of the Panel of Arbitrators of CI Arb (London).
Attending and conducting arbitrations in Hong Kong and London.
