

## 凌振威 大律师

伦敦大学法学士  
剑桥大学法学硕士  
欧盟竞争法证书（伦敦国王学院）

### Email Address:

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### Year Of Call:

1996（英国）

1996（香港）

**Practice Areas:** 行政法与公法，仲裁，调解，衡平法，商事法，公司法，竞争法，知识产权法，土地法与规划法，证券法，



凌振威大律师在开始大律师实习之前，曾于英国修读法律，并以一级荣誉毕业于剑桥大学，获法学硕士学位。他于1996年取得英国与香港的大律师执业资格，并于1999年起于德辅大律师事务所执业。

凌大律师的执业范围主要包括民法与商法领域的事务，他处理过的案件涉及银行、保险、破产清盘、土地、证券、公司、信托、行政法、纪律调查和专业疏忽等多个民商法领域。作为一位跨领域的大律师，他经常代表客户参与各级法院与仲裁处的聆讯。近来，他为若干来自香港和中国大陆的公司提供了关于申请在香港交易所上市的法律建议。此外，凌大律师在知识产权法领域具有丰富的经验。《钱伯斯指南》对凌大律师的评论包括“在知识产权领域备受瞩目”（2009年版）和“在知识产权法领域具有特殊的专业知识”（2012年版）。

凌大律师是英国特许仲裁司学会院士，也是香港国际仲裁中心认可的仲裁员。

他曾在仲裁程序中担任独任仲裁员，也经常作为上市公司、金融机构和政府机构的代理人，代表客户参与仲裁聆讯。

## Directory Quotes:

德辅大律师事务所的凌振威大律师在许多不同类型的商事及行政案件中代表客户参与聆讯，他是知识产权法的专家，并且尤其擅长商标领域的争议。

《世界商标评论》（2018）

## Expertise:

### 重要案件

- China Construction Realty Ltd v Lucky Dragon Ltd HCA 1237/2012. Successfully defended a defendant and its director against charges of contempt of court in a case involving claims of

conspiracy to defraud creditors.

- *Nokia Corporation v TCT Mobile* [2014] 2 HKLRD 43. In the context of a dispute under a patent license agreement, the case raised interesting issues of specific discovery where the licensor (represented by CW) sought documents to prove royalties due under the agreement.
- *Xcelom Ltd v BGI-Hong Kong Co Ltd* [2017] 1 HKLRD 421. CW acted for the patentee in one of the first cases in Hong Kong involving infringement of a biochemical technology patent in an application for interlocutory injunction.
- *CSS Jewellery Co Ltd v Registrar of Trade Marks* [2010] 1 HKC 563. A trademark dispute between two undertakings with common historical origins, this was the first court case in which the doctrine of honest concurrent use was examined in the context of the new Trade Marks Ordinance.
- *Dynasty Line Ltd v Sukanto Sia*, FAMV 38 of 2009. CW (appearing with John Scott SC) acted in an application for leave to appeal to the Court of Final Appeal. A fairly complex commercial dispute with an international flavour, it hinged on an analysis of the suitability of a foreign court as an appropriate forum for the dispute.
- *Lam Ching Sheung v The Official Receiver* [2009] 5 HKLRD 278. CW successfully defended the Official Receiver against a claim by a former bankrupt for misfeasance in public office in a ruling which was upheld by the Court of Appeal.
- *Peconic Industrial Development Ltd v Lau Kwok Fai & Others* (2009) 12 HKCFAR 139. CW was the junior in this ground-breaking case in a common law jurisdiction regarding the applicability of limitation periods to dishonest assistance claims, in this case, against a fraudulent solicitor.
- *Oriental Sharp Ltd v Hong Kong Housing Authority* [2008] 3 HKLRD 508. CW acted for a developer in a major claim for losses in the wake of the Government's disastrous subsidised housing policy decision in 1998. The case raises nice issues of interpretation of the terms of a government grant and economic torts.
- *Guangzhou Green-Enhan Bio-Engineering Co Ltd v Green Power Health Products International Co Ltd* [2005] 1 HKLRD 50. One of the most prominent intellectual property disputes in recent years, the decision was reached after a lengthy trial in the Court of First Instance involving complex issues of passing off, trade mark, copyright and trade libel.
- *AXA China Insurance Co Ltd v Pacific Century Insurance Co Ltd* [2003] 3 HKC 1. Against the background of an application for interlocutory injunction, the case has become a landmark local authority on breach of confidence and restrictive covenants.
- *Lion Capital LLP v Registrar of Trade Marks* [2011] 1 HKLRD 272. Representing the Registrar of Trade Marks, CW defended an appeal from the Registrar's decision based on conflict with a similar earlier mark.

In addition, CW has taken part in many international arbitrations administered by the HKIAC in cases concerning commercial disputes, technology transfer, business secrets and patent infringement.

## 职务及任命

- 香港国际仲裁中心香港调解会副主席
- 英国特许仲裁师学会资深会员

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- 香港特别行政区区域法院暂委法官 (2015年12月)
  - 香港国际仲裁中心香港调解会义务秘书

## 出版物及讲座

- Contributing Editor, Hong Kong Civil Procedure, 1999 to date
- Ex-employees and intellectual property rights - IP issues in an employment context (2010) LPC