

Benny Lo

MA(Cantab) PhD (Nott) C.Arb FCIArb
Chartered Arbitrator, Accredited Mediator
Registered Foreign Lawyer, Singapore International
Commercial Court (SICC)

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Year Of Call:
2008 (Hong Kong)

Practice Areas: Commercial Law, Company Law and
Insolvency, Intellectual Property, Arbitration, Mediation,
Chancery, International Trade, Land & Planning Law,
Securities Law,



Dr. Benny Lo graduated from Cambridge University in Law in 2006 (with firsts in contract, equity and land) and subsequently obtained the Postgraduate Certificate in Laws (with distinction) from the University of Hong Kong. He was one of the two recipients of the Charles Ching Memorial Scholarship awarded by the Hong Kong Bar Association in 2007.

Benny's practice focuses on commercial, company, general civil and intellectual property dispute resolution and he advises clients in litigation and international arbitration matters. Of particular note is his wealth of experience in company matters covering a wide spectrum of work including winding-up petitions, shareholder disputes, derivative actions, share capital reductions, appointment of provisional liquidators and injunction applications. Given his technological background, Benny also devotes part of his practice to IP matters as well as commercial matters with an IP element (especially patents, trademarks, copyright and registered design). In recent years, he has developed a substantial practice acting as counsel in arbitrations teamed up with local and international law firms.

Apart from acting as counsel, Benny has a growing practice sitting as an international arbitrator. He is an HKIAC, SIAC, ICC, CIETAC, BAC, LCIA, WIPO, CIArb, FIBA (BAT) and AIAC arbitrator and has been engaged as sole arbitrator or co-arbitrator on commercial, commodities trading, shareholder disputes, intellectual property, maritime, professional negligence, sports and investor-state matters. His jurisdiction award on a public policy issue was concurred with by the Hong Kong High Court in **Grandom Asia Holding Ltd v Henry Wai & Co (a firm)** [2018] 1HKLRD 808, the first time the Hong Kong court considered the arbitrability of solicitor-client fee disputes. Recently, he was appointed as co-arbitrator in an investment treaty arbitration **Jin Hae Seo v The Republic of Korea** brought under the US-Korea Free Trade Agreement, having sat with a former Judge of the International Court of Justice and a former member of the International Law Commission of the United Nations.

Outside of practice, Benny is also active in public service. He has been appointed by the Chief Justice of Hong Kong to sit as a Temporary Deputy Registrar of the High Court and as Deputy District Judge. He has also been appointed by the Hong Kong Government to serve on various administrative and quasi-judicial boards and tribunals.

Expertise:

Scholarships and Awards

- Charles Ching Memorial Scholarship, HK Bar Association (2008)
- Croucher Foundation Fellowship (2001) and Scholarship (1998)
- Fitzhugh Memorial Prize for the most outstanding student, University of Nottingham Pharmacy School (1997)
- Anita and Nicola Lee Prize for research, University of Nottingham Pharmacy School (1997)

Memberships and Appointments

- Temporary Deputy Registrar, High Court (2017, 2019)
- Deputy District Judge (2017)
- HKIAC (General and IP), SIAC, ICC, CIETAC, BAC, LCIA, WIPO, CIArb, FIBA (BAT) and AIAC Arbitrator
- Chartered Arbitrator and Fellow Member, Chartered Institute of Arbitrators
- Registered Foreign Lawyer, Singapore International Commercial Court (SICC)
- Former Visiting Lecturer (International Arbitration and Dispute Settlement postgraduate program), Tsinghua University School of Law
- HKMAAL, HKIAC and WIPO Mediator
- Chairman, Appeal Tribunal Panel (Buildings)
- Member, Liquor Licensing Board, Appeal Panel (Housing) and Fishermen Claims Appeal Board (Trawl Ban)
- Member, Asian Patent Attorneys Association

Publications, Lectures and Talks

- Invited Moderator by the Asian Academy of International Law in panel presentation on "*Implementation of the Madrid Protocol in Hong Kong*" (June 2018)
- Invited Speaker by the Hong Kong Trade Development Council and the HK Department of Justice at the "In Style Hong Kong" Symposium, Kuala Lumpur on "*Arbitrating Intellectual Property Disputes*" (November 2017)
- Invited Panelist in the Hong Kong Arbitration Week 2017 on "*The Impact of Disruptive Technology in International Arbitration*" (October 2017)
- Invited Speaker by the Hong Kong Intellectual Property Department at the Pan-Pearl River Delta Intellectual Property Officials Exchange Visit to the HKSAR on "*Intellectual Property Arbitration*" (May 2017)

- Invited Speaker by the Hong Kong Trade Development Council at the 2016 Guangdong-Hong Kong Seminar on Development of Intellectual Property in Small-Medium Enterprises on "*Resolution of Intellectual Property Disputes*" (June 2016)
- Invited Speaker by the Hong Kong Institute of Trade Mark Practitioners on "*Arbitrating IP Disputes*" (June 2016)

Selected Cases

- ***George YC Mok & Co v New Land Properties Development Ltd*** [2020] 3 HKLRD 74: Co-Counsel (with Jack Chan) representing former client of a Hong Kong solicitors firm in applying for striking out and dismissal of a claim for legal fees
- ***Philipp Doodt & Ors v Huang Shihua & Ors*** [2020] HKCFI 241: Co-Counsel (with Jasper Wong) representing a PRC Mainland enterprise in opposing an application for interim payment and the appeal thereof
- ***King's Glory Educational Centre Ltd v Tsang Woon Ming*** (unreported) HCCW 456/2016: Junior Counsel (led by Anson Wong SC) representing a renowned Hong Kong educational group in an application to strike out a winding-up petition as an abuse of process.
- ***AVC Property Development Co Ltd v Joyful Grace Trading Ltd & Anr*** (unreported) CACV 208/2016: Sole counsel representing a corporate landlord in a tenancy dispute touching upon the application of ***Holme v Brunskill*** (1878) LR 3 QBD 495 in the discharge of guarantor's liability.
- ***Crestron Electronics, Inc v Crestron Asia Ltd*** (unreported) HCA 222/2017: Junior counsel (led by Winnie Tam SC, JP) representing a licensee and distributor of home and office automation solutions in an injunction hearing touching upon the exhaustion of trademark rights.
- ***Ip Fung Kuen v Sam Kee Frozen Meat Co Ltd & Ors*** (unreported) CACV 107/2016: Sole counsel representing a beneficial owner of shop premises in a family property dispute in resisting an appeal from a judgment following a 14-day trial at first instance.
- ***Xcelom Ltd v BGI-Hong Kong Co Ltd*** (No. 1) [2017] 1 HKLRD 421 and (No. 2) [2017] 1 HKLRD 436: Junior counsel (led by Winnie Tam SC, JP) representing a leading Chinese genomic company in defending an injunction application brought by a Hong Kong biotechnology company based on alleged patent infringement in respect of a non-invasive screening test for chromosomal abnormalities.
- ***Re First China Financial Network Holdings Ltd*** [2015] 5 HKLRD 530: Junior Counsel (led by Anson Wong SC) representing a former chairman of a Hong Kong-listed company in defending director disqualification proceedings brought by the SFC under s.214 of the Securities and Futures Ordinance (Cap. 571).
- ***Novo Steel (HK) Ltd v Peako Engineering Co Ltd*** [2015] 2 HKLRD 598; [2015] 3 HKC 100: Sole counsel representing the plaintiff in a sale of goods case in which the Court clarified the approach to the calculation of interest under RHC Order 22.
- ***Re Pioneer Industries (Holdings) Ltd*** [2015] 1 HKLRD 1: Sole counsel representing the applicants in an application for relief under s.122(1B) of the former Companies Ordinance (Cap. 32) and s.610 of the Companies Ordinance (Cap. 622) in which the Court clarified the law on whether a written resolution for an AGM passed outside the statutory time limit constitutes a

“meeting” in the context of s.111 of the former Cap.32.

- **Re The Bauhinia Ltd** [2014] 5 HKLRD 291: Sole counsel representing respondents resisting an application for leave to commence derivative action under s.168BC of the former Companies Ordinance (Cap. 32) in which the Court expressly recognized the necessity for derivative action as one of the discretionary factors in deciding whether to grant leave for a minority shareholder to commence a statutory derivative action.
- **Topwell Corporation Ltd v 關錦祺 & Anr** [2014] 5 HKLRD 1: Junior Counsel (led by Audrey Eu, S.C.) representing the owner of a roof hut on top of a Chinese building in an appeal to the Court of Appeal against a District Judge’s refusal of leave for him to amend his pleadings to plead a defence and counterclaim of adverse possession.
- **Alviero Martini SpA v Bubble Retail Management Ltd & Or** [2014] 2 HKC 494: Sole counsel representing a Taiwanese handbag manufacturer in an application for security for costs in an action concerning passing off and trade mark infringement.
- **Bridam Ltd v Sa Sa Cosmetic Co Ltd & Anr** [2014] 1 HKC 305: Sole counsel representing a cosmetic retailer in defending an application for mandatory injunction concerning the use of an advertising signboard hanging over Canton Road, Tsim Sha Tsui.
- **Talent Weaving Dyeing & Printing Ltd v Able Billion Textiles Ltd** [2013] 2 HKLRD 479: Sole counsel representing a textile trading company claiming conversion against the defendant in an application to strike out scandalous paragraphs in witness statements.
- **Ngan In Leng v Chu Yuet Wah** (No. 1) [2013] 1 HKLRD 717: Junior Counsel (led by Barrie Barlow SC) representing vendors of a Macau casino (in a claim against the controlling shareholder of the purchaser founded on an oral share repurchase agreement) in applications for specific discovery and discovery against a non-party.
- **Mimi Kar Kee Wong Hung v Severn Villa Ltd & Applied Development Holdings Ltd** [2012] 1 HKLRD 887: Junior Counsel (led by Barrie Barlow SC) representing a wife claiming beneficial interest in property she resided in pursuant to a divorce settlement in various interlocutory summonses in respect of expert accounting evidence and for disclosure of such evidence, and for leave to appeal to the Court of Appeal.
- **Dong Shin F&T Co Ltd v Hanmec Co Ltd** [2010] 5 HKLRD 261: Sole counsel representing a defendant Korean company in an application to set aside leave granted to plaintiff Korean company to serve process out of jurisdiction in a claim of forgery.
- **Big Island Construction (HK) Ltd v Wu Yi Development Co Ltd** [2010] 2 HKC 356: Junior Counsel (led by Daniel Fung SC) representing the plaintiff company in opposing leave for subpoena ad testificandum to be issued in a \$100m debt claim.
- **Tsang Wai Lun Wayland v Chu King Fai** [2009] 5 HKLRD 105: Co-Counsel (with William Wong SC) representing a Hong Kong-listed company in a High Court trial concerning corporate governance, director’s appointment and grant of share options.
- **Abbott GmbH & Co KG v Pharmareg Consulting Co Ltd & Anr** [2009] 3 HKLRD 524: Sole counsel representing a Hong Kong pharmaceutical company in resisting an injunction application for patent infringement on the basis of Swiss-type claims (i.e. second medical use claims) for the anti-obesity drug Reductil.
- **Re Grand Field Group Holdings Ltd** [2009] 3 HKC 81: Co-Counsel (with William Wong SC)

representing a Hong Kong-listed Company in resisting application for leave to commence derivative action under s.168BC of the Companies Ordinance (Cap 32).

- ***Re Honeycool Refrigeration & Engineering Co Ltd*** [2009] 1 HKLRD 447; [2009] 2 HKC 514: Sole counsel representing the respondent shareholder in an application to strike out a winding up and Section 168A Petition under the Companies Ordinance (Cap. 32).
- ***Intelligent House Ltd v Chan Tung Shing*** [2008] 5 HKC 390: Junior Counsel (led by Edward Chan SC) representing a minority owner in 3 summonses concerning land compulsory sale under the Lands (Compulsory Sale for Redevelopment) Ordinance (Cap 545).
- ***Other Cases***

Other published court cases in which Benny Lo appeared as representing counsel may be found by searching the exact phrase “**Benny Lo**”, “**Benny K.C. Lo**”, “**B. Lo**” and “**盧君政**” in the “Judgments” section of the Hong Kong Judiciary website (<http://www.judiciary.gov.hk/>).