

Winnie Tam SBS, SC, JP

Senior Counsel, Hong Kong Bar

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Barrister-at-Law, England and Wales
Door Tenant, 8 New Square, Lincoln's Inn, London
Solicitor and Advocate, Singapore
Solicitor and Advocate, Australian Capital Territory

Email Address:

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Year Of Call:

1984 (Hong Kong Bar)
1988 (English Bar)
2006 (Hong Kong Silk)

Practice Areas: Intellectual Property, Commercial Law,
Arbitration, Mediation, Corporate Law, Entertainment and
Media, Tech and Innovation, International Arbitration &
Mediation



Winnie was appointed Senior Counsel in 2006. She served as the Chairman of the Hong Kong Bar Association between January 2015 to January 2017 and has been serving as Chairman of the Committee on Intellectual Property since 2019. Since 2015, she has been appointed a Recorder of the Court of First Instance, High Court of the Hong Kong SAR. In 2016, she was honoured as an Overseas Bencher of the Middle Temple Society of England. In 2019, she succeeded from Coleman J. as Chairman of the Hong Kong Advocacy Training Council, and founded the International League of Competition Law (LIDC) Hong Kong Chapter as its founding Chairman. She has also been serving as a member of the Law Reform Commission since 2019.

Winnie has broad experience in corporate commercial, intellectual property, technology, media and entertainment disputes. Apart from her regular involvement as lead Counsel in IP and commercial litigation and arbitration, Winnie has accumulated substantial experience as an international arbitrator.

Winnie is a panel arbitrator of the HKIAC's Intellectual Property Specialist Panel, a CIETAC panel arbitrator, a member of the Domain Name Disputes Panel of the HKIAC, a member of the Expert Committee of the China (Shenzhen) IP Arbitration Centre, a panel arbitrator of SCIA, SHIAC, and Qingdao Arbitration Commission, a member of the Chartered Institute of Arbitrators, and a fellow of the Hong Kong Institute of Arbitrators. She is a WIPO panel mediator, JAMS panel mediator, a CEDR-accredited mediator, a panel mediator on Mainland-Hong Kong Investment Disputes under CEPA. In her capacity as a leading intellectual property barrister she has been invited to join a working group of

the Department of Justice on the arbitrability of intellectual property rights, and has contributed to the drafting of a bill presented to LegCo in December 2016. Between 2018 and 2020, Winnie served as a member of the Nominations Committee of the HKIAC. Since 2020, she was appointed Co-Chair of Women in Arbitration (WIA) under HKIAC. Since May 2020, she has been appointed to the Appointments Committee of HKIAC.

Winnie has been appointed as a presiding arbitrator and co-arbitrator under ICC, HKIAC, CIETAC and SCIA rules in cases involving cross-jurisdictional commercial and joint-venture disputes, shareholders disputes, intellectual property and licensing disputes, international gaming rights licensing disputes and sino-foreign investment disputes. She has been appointed as arbitrator in international arbitrations to be conducted both in English and in Chinese. She has acted as leading counsel and co-counsel in international arbitrations and court actions in aid of international arbitration.

Directory Quotes:

Winnie is universally acknowledged as "an IP guru," and "is without doubt the top counsel in the area of intellectual property law." She continues to command immense respect as one of the jurisdiction's most eminent IP practitioners, operating in all areas of the discipline and maintaining a focus on the handling of high-profile, cross-border cases on behalf of clients from a diverse range of sectors. Noted for her involvement not only in the litigation, but also in the arbitration, of IP disputes, she is also praised for being "incredibly good and incredibly busy," and recognised for "her advocacy skills and ability to lead a case,"

Chambers & Partners Greater China Region (2022)

'An authoritative counsel, who has a highly persuasive courtroom manner.' Winnie Tam SC is accredited as a Leading Silk for Intellectual Property.

Legal 500 Asia Pacific HK Bar (2022)

Winnie Tam SC is endorsed for her "great gravitas" and "specialist knowledge in IP," and is described as "excellent tactically" and an "outstanding advocate, at the top of her field." She maintains a focus on impressive high-profile cross-border cases and acts on both litigation and arbitration proceedings, acting on behalf of clients from a diverse range of sectors. "Winnie is the name for IP," and she is also described as "a really impressive senior counsel and obviously an IP expert who is very knowledgeable and commercial, and very

good on her feet.”

Chambers & Partners Asia Pacific (2021)

“Excellent: one of the best if not the best barrister for IP in Hong Kong, you can always rely on her to do her very best and fight hard in court.” Winnie Tam SC is accredited as a Leading Silk for Intellectual Property.

Legal 500 Asia Pacific HK Bar (2021)

Winnie Tam SC is a highly respected disputes specialist in the region, with market commentators describing her as “one of the best practitioners” for arbitration issues. (National Leader for Mainland China & Hong Kong SAR - Arbitration 2021)

Who's Who Legal 2021

Winnie Tam SC, JP of Des Voeux Chambers combines a busy IP practice with her role as chair of Hong Kong's Communication Authority and continues to be seen as one of the most accomplished counsel in the space. One source identifies her as “one of the two acknowledged leaders of the Bar” there and adds: “If anyone's looking for an IP silk, it's Winnie Tam or John Yan.” Other interviewees describe her as an especially “expert and excellent advocate,” one reporting: “She's very sharp and quick on her feet and has the ear of the judge.” Particularly well known for her handling of cross-jurisdictional cases.

Chambers & Partners Asia Pacific (2020)

Winnie Tam SC of Des Voeux Chambers is consistently identified by interviewees as “one of the leading silks for IP in Hong Kong,” one source maintaining that she was chosen to act on a particular matter because she was “the top specialist” in the jurisdiction, the same referee going on to say: “Everything she provides is just excellent and she was absolutely invaluable to the proceedings.” Sources further characterise her as an “extremely strong advocate who has the patience and skill to explain complex IP laws, will fight as hard as she can and has managed to turn around a number of difficult court cases successfully.” A notable feature of her practice is her strong focus on cross-jurisdictional disputes and readiness to appear in both litigated and arbitrated IP disputes.

Chambers & Partners Asia Pacific (2019)

Winnie Tam SC of Des Voeux Chambers enjoys tremendous respect in this area. Sources describe her as “an excellent advocate who knows IP law very well and is a pleasure both to work with and to instruct.” Her broad practice covers all the key IP issues and extends across an impressive range of industry sectors. She acted for Tsit Wing in long-running and ultimately successful trade mark litigation against TWG Tea.

Chambers Global (2018)

Ms Winnie Tam SC, JP has been recognised by WWL Trademarks 2019 as a Global Leader in the field of Trademarks (2019)

WWL Trademarks 2019

Expertise:

Experience in Arbitration

As Arbitrator

- Appointed presiding arbitrator in an arbitration under HKIAC Rules 2013. The dispute arose from a joint venture between a Hong Kong company and a major machinery manufacturing company from Northern Europe in which the terms of technology transfer was the crux of the parties' dispute. Issues involved complex international issues as well as issues on China law and Hong Kong law.
- Appointed as co-arbitrator in a major dispute between a mainland Chinese company and Japanese companies arising out of an OEM manufacturing agreement. The core allegation is breach of confidence and prohibition against reverse engineering in technology relating to the making of machinery. The arbitration is under UNCITRAL rules and conducted in two phases. A large amount of technical information is involved.
- Appointed as presiding arbitrator under the ICC Rules in an arbitration on disputes on licensing and development of game software, involving a claim of at least USD 100M. The first-stage award on merits has been issued.
- Appointed as presiding arbitrator in a private equity investment dispute in Mainland China, conducted the arbitration in both Chinese and English under HKIAC Rules
- Appointed as co-arbitrator by the Shenzhen Court of International Arbitration in a cross-border sale of goods dispute worth roughly RMB 30M. Complex issues of company insolvency law are involved. The arbitration is conducted under SCIA Rules

- Designated as co-arbitrator in a complex dispute involving multi-jurisdictional arbitrations and litigations between the parties under 2013 HKIAC Rules with the seat of arbitration in Hong Kong.
- Appointed as presiding arbitrator by (CIETAC) Hong Kong Arbitration Center in a dispute over the sale of goods and consultation services. The arbitration is conducted in Chinese and the arbitration award has been issued.
- Appointed as presiding arbitrator by (CIETAC) Hong Kong Arbitration Center in a dispute over an international sales contract. The arbitration is conducted in Chinese and a ruling on the jurisdiction challenge has been made.
- Designated by party as Co-arbitrator in an arbitration under HKIAC rules in a dispute over a pharmaceutical distribution agreement.
- Designated co-arbitrator in an arbitration under 2013 HKIAC Rules of an international sale of goods dispute.
- Appointed as presiding arbitrator in an arbitration under 2013 HKIAC Rules of a disputed guarantee in a series of investment agreements to be conducted in Chinese.
- Designated by party as a Co-arbitrator in an arbitration under 2013 HKIAC rules in an investment dispute.
- Designated Co-arbitrator in an ICC arbitration under Austrian law, seated in Vienna, on a dispute over alleged misuse of technology and knowhow relating to engineering and construction.
- Designated co-arbitrator in an arbitration under HKIAC Rules on a dispute over supply of telecommunication equipment.
- Designated co-arbitrator in an arbitration under UNCITRAL Rules 2013 and HKIAC 2015 procedural rules on a dispute arising from software technology transfer agreements with claim value exceeding US 100M.
- Designated co-arbitrator in an arbitration on an investment dispute to be conducted in Chinese under 2018 HKIAC Rules.
- Designated co-arbitrator in two separate arbitrations under HKIAC Rules on private equity disputes.

As Counsel

- Appointed as lead Counsel to attend court to obtain ancillary relief in aid of arbitration in a case involving a dispute between the franchisor and licensee to a popular show.
- Appointed as lead Counsel to represent a manufacturer of hi-tech apparatus in multiple number of disputes with its competitor in China. Acted as co-lead counsel with US patent counsel in two arbitrations under UNCITRAL rules for clients in the same group of companies. The core allegations related to infringement of multiple patents and use of confidential information by former technical employees. An emergency arbitration procedure was involved in one set of the proceedings.
- Appointed as lead Counsel to work with American Lawyers on two arbitrations under HKIAC and ICC rules respectively across two jurisdictions in a dispute involving a technology supply

joint venture.

- Appointed as co-Counsel in a HKIAC arbitration involving dispute over the use of telecommunication technology.
- Appointed as lead Counsel in an arbitration on a dispute arising from the acquisition of a conglomerate in Mainland China.

Public and Professional Appointments and Memberships

Appointments in Hong Kong and International Legal Organizations

- 2006 Appointed as Senior Counsel of the Hong Kong Bar
- 2015-2017 Chairman of the Hong Kong Bar Association
- 2017-2019 Chairman of the Standing Committee on China Practice Development of the Hong Kong Bar Association
- Chairman of the Committee on Sports Law, Hong Kong Bar Association
- Recorder of the Court of First Instance, High Court of HKSAR
- Co-Chair of Women In Arbitration (WIA), HKIAC
- Member of the Appointments Committee, HKIAC
- Overseas Bencher of the Middle Temple Society of England
- Member of the Law Reform Commission
- Hon Advisor, International Trade Bar of the Shenzhen Lawyers Association
- 2017-2018 Co-Chairman, Forum for Barristers and Advocates, IBA
- 2019-2021 Member, Policy Sub-Committee, Bar Issues Commission, IBA
- Member, China Working Group, Asia Pacific Forum, IBA
- Litigation Liaison Officer, Asia Pacific Forum, IBA
- Chairman, Women Business Lawyers Committee, IPBA
- Member, Consultative Committee of the Qianhai Special Free Trade Zone (PRC)
- Member of the Board of Advisors, Shenzhen Lanhai Research Institute on Legal Services in the Greater Bay

ADR Panels

- HKIAC's Intellectual Property Specialist Panel
- HKIAC's Domain Name Dispute Panel member
- Hong Kong Bar Association Arbitration Panel member
- ICC Hong Kong Arbitration Committee member
- Founding Member of eBram International Online Dispute Resolution Centre Limited
- CIETAC Panel Arbitrator
- China (Shenzhen) IP Arbitration Centre, Member of Expert Committee
- South China International Economic and Trade Arbitration Commission, Panel Arbitrator
- Member of the Chartered Institute of Arbitrators
- Fellow of the Hong Kong Institute of Arbitrators
- World Intellectual Property Organization, Panel Mediator

- JAMS/SCMC, Panel Mediator
- Hong Kong Mediation Council Panel Mediator under the Mainland and Hong Kong CEPA Investment Agreement
- Mainland - Hong Kong Joint Mediation Center Panel Mediator
- Shanghai Commercial Mediation Center (SMAC) Panel Mediator
- Shenzhen International Arbitration Centre, Panel Arbitrator

Public Appointments in Hong Kong

- Chairman, Communications Authority
- Chairman, Performing Arts Committee of the West Kowloon Cultural District Authority
- Member, Chief Executive's Council of Advisers on Innovation and Strategic Development (2018-2022)
- Member, Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the HKSAR
- Member, Board of Directors and Executive Committee of the West Kowloon Cultural District Authority
- Member, Board of Governors, Hong Kong Philharmonic Society Ltd
- Member, Hong Kong Tourism Board (2014-2019)
- Member, Judicial Officers Recommendation Commission, HKSAR (2016 - 2018)
- Member, ICAC Advisory Committee on Corruption (2013-2018)
- Member, ICAC Operations Review Committee (2007-2012)

Selected Cases

- ABG Juicy Couture LLC v Bella International Ltd - HCA 1764 of 2008
- Acron International Technology Ltd v Chan Yiu Wai and Law Sui Chun - FAMV 13/2018
- Alviero Martini SPA v Bubble Retail Management Ltd - HCA 1937/2008
- Apple Daily Ltd v Oriental Press Group Ltd - HCA 1396/2009
- Bruce James Stinson v Gu Ming Gao - HCA 2352/2012
- California Red Ltd v Gold Typhoon Entertainment Ltd - HCA 2684/2008
- Chor Ki Kwong David v Lorea Solabarrieta Cheung - HCA 1870/2012
- Christie Manson & Woods Ltd v Chrित्रs (Group) Ltd - HCA 1418/2011
- Gmedia Technology (Beijing) Co Ltd v Tencent Holdings Ltd - HCA 495/2017
- Guccio Gucci SpA v Cosimo Ludolf Gucci - HCA 1582/2008
- Horner Resources (International) Co Ltd v Savvy Resources Ltd - HCA 335/2010
- Hugo Boss Trade Mark Management GmbH & Co KG v Britain Boss International Co Ltd - CACV 114/2015
- L'Oreal (UK) Ltd, Yves Saint Laurent (YSL) v YLS Brands HK Ltd - HCA 2814/2017
- Louis Vuitton Malletier SA v Marco Leather Goods Ltd - HCA 1511/2009
- Louis Vuitton Malletier v Cuvee XLV French Wine Ltd - HCA 1900/2013
- M.G.X. Asia Ltd v China Way Global Co Ltd - HCA 2001/2013
- Mary Kay Inc v 浙江天猫网络有限公司 (Zhejiang Tmall Network Co Ltd) - [2021] HKCFI 1403

- Menfond Electronic Art & Computer Design Co Ltd v Wong Wang Tat Victor - HCA 293/2011
- Midland Business Management Ltd v Lo Man Kui - HCA 1599/2010
- Nerium Biotechnology Inc v Nerium International, LLC - HCA 1188/2016
- OPG Human Resources Ltd v Apple Daily Ltd - HCA 481/2009
- Oriental Food Industries Sdn Bhd v Sze Hing Loong Development Ltd - HCA 2094/2011
- Pan Chung Pat Wo Tong (HK) Ltd v Law Yan Wai t/a Singapore Medicine Co - CACV 239/2013
- In the matter of an application by Ping An Securities Ltd - HCMP 2788/2004
- Ringier Print (HK) Ltd v South China Media Ltd - HCA 2312/2009
- Sky King Machinery Engineering Ltd v Chun Wo Construction & Engineering Co Ltd - HCA 1918/2013
- SNE Engineering Co Ltd v Hsin Chong Construction Co Ltd - HCA 1466/2012 (26.3.2014)
- Star TV Filmed Entertainment (HK) Ltd v Golden Princess Amusement Co Ltd - CACV 61/2007
- Stichting BDO v Banco De Oro Unibank Inc - HCA 1162/2009
- Talpa Global BV v Star China Media Ltd and Meng Xiang Quang Yin Cultural and Broadcast (Shanghai) Co Ltd - HCMP 121/2016
- Tsit Wing (Hong Kong) Co Ltd v TWG Tea Company Pte Ltd - HCA 2210/2011, CACV 191/2013, FACV 15/2015, FAMV 6/2015
- UMG Recording Inc v Profit Chart Development Ltd - HCA 472/2010
- Wind River Systems Inc v Digital China Holdings Ltd - HCA 1550/2012
- Xcelom Ltd v. BGI-Hong Kong Co Ltd - HCA 3089/2015

Publications, Lectures and Talks

- 深圳国际仲裁院 大湾区仲裁研究对话 - 仲裁程序实务分享 - 27.4.2022

SCIA "A Dialogue on Arbitration in the GBA - Practicum on the Arbitral Procedure"

- 深圳国际仲裁院 世界知识产权日活动 - 25.4.2022

暨中国（深圳）知识产权仲裁中心揭牌一周年

SCIA World Intellectual Property Day Thematic Activity and the first year anniversary of China (Shenzhen) Intellectual Property Arbitration Center

- 深圳律师协会 国际贸易仲裁的文件交换与庭审技巧- 15.4.2022

Shenzhen Lawyers Association "Document production and Hearing Technique in International Arbitration"

- **HKIAC Advanced Arbitrators Training Course** - 4.2022

Key Differences between arbitrating under Mainland arbitral institutions and under international arbitral institutions

香港国际仲裁中心 高级仲裁院员训课程

• **Peking University International Commercial Dispute Resolution Course - 2.4.2022**

"International Commercial Arbitration Part 1

北京大学国际商事仲裁课程 国际仲裁程序（一）

• **Hong Kong University - Intellectual Property lecture - 3.2022**

Infringement of Well-Known Trade Marks

• 君合律师事务所主办 国际商事仲裁员的思维解析 - 24.2.2022

• **Cyberport Distinguished Fellow Speakers Series - 23.2.2022**

The Framework of Protection for Intellectual Property in Innovation

• **国际仲裁之微观解析 - 对话 ICC, HKIAC, SIAC, CIETAC HK - 12.1.2022**

国际仲裁中的交叉盘问与文件披露

• **律政司、香港国际仲裁中心、广东省及广州市律协合办 - 10.12.2021**

粤港澳大湾区仲裁实务培训

• **第十一届中国华南企业法律论坛中国高科技企业主题交流会 - 10.12.2021**

粤港澳大湾区知识产权保护跨境合作 - 规则衔接与机制对接

• **BIP Asia 2021 - 3.12.2021**

Navigating your way towards IP success under the 14th Five-Year Plan

• **LawAsia 2021 - Global Trends in IP - 16.11.2021**

Trade Mark Issues in Cross-Jurisdictional E-Commerce

- **HKU SPACE Admiralty Learning Centre - 23.10.2021**

An introduction to the Legal System of HKSAR

- **University of Hong Kong Annual Law Lectures - 24.9.2021**

Regulatory Framework of HK's Telecommunications and Broadcasting Industry

- **CIETAC-HK (IDRA) 2021 - 22.2.2021**

Law which can only be tentatively identified after a trawl through Extensive authorities must be condemned as not fit for purpose

- **IDRA 2021 Webinar Series on Decoding Hong Kong Contract Law - 25.1.2021**

- **Hong Kong's unique role in IP creation, protection and enforcement as well as dispute resolution in GBA and beyond - Arbitration in Intellectual Property - 4.12.2020**

- **BIP Asia Forum 2020 - 2.12.2020**

Challenges and opportunities brought by COVID-19 to the legal and IP fields

- **Hong Kong Mediation Conference (Legal Week) - 6.11.2020**

United Nations Mediation Convention - Challenges to Arbitration

- **Hong Kong Legal Week 2020 - 3.11.2020**

Inaugural Rule of Law Congress Towards 2030: A Decade of Action for Rule of Law

- **Hong Kong Arbitration Week 2020 - 19.10.2020**

International arbitration in the digital landscape: technology, cybersecurity and data protection (In-person and virtual)

- **Hong Kong Academy of Politics and Public Policy - 10.10.2020**

The Legal System of Hong Kong

- **WIA 仲裁生态漫谈 — 男性仲裁员眼中的女性仲裁员 - 9.10.2020**

- **香港国际仲裁中心WIA委员会主办成功仲裁女性炉边访谈 - 3.7.2020**

- **BIP Asia Forum - 6.12.2019**

Effective Global IP Enforcement Mechanism - How Does HKSAR Contribute to the Cause?

- **BIP Asia Forum - 5.12.2019**

Divergence : Unwelcome Uses of Well-Known Copyright Works and Trademarks

- **Australian Arbitration Week**, Brisbane - 18.11.2019

Resolution of IP Disputes Through Arbitration - The experience of Hong Kong SAR & China

- **DLA Piper and DVC** - 17.10.2019

Inspiration vs Appropriation: Well-known Trademarks in Hong Kong, China and around the World

- **HKTDC - Belt and Road Summit** - 11.9.2019

Towards a Greater Success of Belt and Road Projects for Sustainable

Investment - Hong Kong Can Lead (香港: 引領一帶一路項目持續投資及成功發展)

- **IBA Conference Seoul 2019** - 24.9.2019

Chaired a session entitled "Global Justice and Globetrotting Judges"

- **湾区法律服务一体化 - 第二届广东企业法律服深圳蛇口务论坛** - 23.8.2019

跨境知识产权争议调解

- **Inaugural "Mediate First" Pledge event in Shanghai** - 20.8.2019

商事纠纷 调解为先 - 沪港交流研讨会 (跨境知识产权争议调解)

- **POLA Annual Conference 2019** (Kunming China) - 2.8.2019

Alternative Dispute Resolution for Multi-National Businesses in the

Greater Bay Area of China

- **IP Mediation Conference 2019** at Spain - 30 & 31.5.2019

China Intellectual Property Commercial Mediation Practice and Thoughts

- **Legal Tech Forum** - 20.5.2019

New Technology & Changing Legal Ecosystems

The Good, The Bad & The Ugly: Is our IP Law Ready for the Wave of New Technology?

- **IPBA Conference Singapore - 29.4.2019**

Arbitrating IP Disputes - Is it the final frontier or the beginning of the journey?

- **International Resolution Dispute Conference 2019 - 17.4.2019**

Exploring Aspects of Development of Alternative Dispute Resolution relevant to

Business in the Greater Bay Area