



Chinese Commercial Law: A Practical Guide

Maarten Roos

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The rapid and continuing development of the Chinese economy and its markets has made business with China an integral component of the strategies of countless foreign companies, regardless of their size or form. However, in order to turn opportunities into successful enterprises, managers need a practical guide on the legal aspects of conducting business in China, and on the strategies for effectively circumventing unnecessary risks while simultaneously using the legal system to strengthen operations and protect interests. This remarkable book provides the necessary insight and guidance to devise a corporate strategy, and to tackle issues relating to common aspects of doing business with Chinese counterparts, investing in a Chinese enterprise, and engaging in business operations there.

Drawing on expertise gained during eight years in China serving the legal needs of foreign companies, the author shows how many of the mistakes that foreign companies make can easily be avoided by conducting a proper due diligence and understanding how applicable laws work in practice. He clearly describes the opportunities and pitfalls exposed as a foreign investor engages with such elements of business in China as the following:

- negotiating a detailed written contract;
- performing a legal and commercial due diligence on a prospective partner;
- resolving disputes through negotiation, arbitration or litigation;
- establishing and enforcing trademarks, patents and other intellectual property rights;
- investing in China;
- considering the joint venture structure;
- expanding through a merger or acquisition;
- restructuring or liquidating an operation;
- designing and implementing effective corporate governance;
- retaining, managing and terminating employees;
- arranging funds into and out of China;
- ensuring both tax efficiency and tax compliance; and
- avoiding criminal liabilities in the course of doing business.

Whether seeking to source from China or to establish manufacturing facilities in China to produce for export, to sell products or services on the domestic market, or even just to act as a conduit between China and the outside world, business managers and their counsel from all over the globe and across all industries will

benefit enormously from this deeply informed, insightful, and practical guide.

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