
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Andrew SIM
Baker & McKenzie
Hong Kong, China



Nationality: Malaysian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.B., (Hons) the University of Leicester, United Kingdom, 1993;
LL.M., (Trade Regulation) at New York University School of Law, United States of America, 1995.

Qualified New York attorney-at-law;
Admitted as a Solicitor in Hong Kong;
Admitted as an Advocate & Solicitor in Singapore;
Solicitor in England & Wales and a Barrister-at-law (Lincoln's Inn).

LANGUAGES

English, Mandarin, Cantonese, Malay

PRESENT POSITION

Partner, Baker McKenzie, Hong Kong

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

A former Deputy Public Prosecutor and State Counsel with the Attorney-General's Chambers in Singapore.
Formerly a Registered Patent Agent in Singapore.

MEMBERSHIP IN PROFESSIONAL BODIES

Member, Law Society of Hong Kong;
Member, Singapore Academy of Law;
Advocate & Solicitor, Law Society of Singapore;
Attorney, New York State Bar Association;
June 10, 2022

Barrister, Lincoln's Inn;
Solicitor, Law Society of England & Wales.

AREAS OF SPECIALIZATION

Intellectual Property; Technology; Enforcement and Anti-piracy Investigations, and Complaints; Commercial Transactions; Brand Enforcement & Management; Copyright; IP Disputes & Transactions; Patent Litigation & Prosecution; Tax Optimized IP.

EXPERIENCE IN INTELLECTUAL PROPERTY

Partner in Baker McKenzie's Hong Kong office and a member of the Firm's Intellectual Property and Technology Practice Group, leading the IP enforcement and litigation practice for Hong Kong.

Global Chair of the Plant Variety Rights Practice, which includes registration and enforcement of plant breeders' rights. Also heads the Food and Beverage ("F&B") Industry Practice Group in the Greater China region and advises on all F&B related areas, including consumer, regulatory, food safety, advertisements, franchising, as well as internet laws and regulations.

As the past Office Lead for Consumer Goods and Retail Industry in the Firm's Beijing Office, has experience in product recall, consumer complaints, franchise registration, product quality issues, and breaches of advertiser regulations.

Practice also focuses on IP protection and enforcement in Hong Kong and China, including assisting clients in strategizing their IP rights, directing anti-counterfeiting operations as well as providing advice on licensing, commercial IP issues and agreements. Practice also includes domain name, Internet, and technology laws.

Below are some of his representative matters:

- Advised Starbucks Corporation on its partnership agreement with a Chinese leading food and beverage producer, Tingyi Holding Corp., to manufacture and expand the distribution of Starbucks's ready-to-drink products throughout China.
 - Acted for an American fruit breeder in filing an administrative complaint successfully and obtaining the first punishment decision under the PRC Seed Law.
 - Assisted Hasbro in securing their first successful IP infringement lawsuit in Guangzhou.
 - Assisted Givenchy in obtaining its first well-known trademark recognition in the PRC Trademark Review and Adjudication Board.
 - Assisted Moet Hennessy in securing its first successful trademark infringement lawsuit in relation to its 3-D bottle mark in Shandong province.
 - Acted for OSIM International in defending the design patent invalidation action and securing a successful design patent infringement lawsuit against a Chinese infringer in respect of a massage chair product.
 - Conducted a successful raid action for Vitasoy in Guangdong Province of China, in which lemon tea drink products and packaging boxes were confiscated. This is Vitasoy's first IP enforcement action in China.
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EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Acted for a number of clients to reclaim domain names.

MAJOR PUBLICATIONS

Co-author, “Firm Legal Roots – China’s new Judicial Interpretation for Plant Variety Rights Cases”, EURObiz, August 2021;

Co-author, “Supreme People’s Court decision in pomelo case clarifies scope of plant variety rights in China”, Fresh Plaza, May 2020;

Author, “Legal Landscape for F&B in China”, HKGCC Bulletin, September 2019;

Co-author, “China’s first e-commerce Law: what does it mean for intellectual property rights owners?”, Thomson Reuters Practical Law, May 2019;

Co-author, “China’s New Anti-unfair Competition Law”, EURObiz, February 2018;

Author, “China Establishes Cyberspace Court in Hangzhou”, Hong Kong Lawyer, September 2017;

Co-author, “IP Enforcement in the Fashion Industry”, World Trademark Review, May 2015;

Author, “China’s Trademark Reforms”, IP Magazine, July 2014;

Author, “Unregistered Chinese Character Marks Recognized”, World Trademark Review, June/July 2009;

Author, “The Politics and Economics of Beijing Olympics”, The Singapore Law Gazette, July 2008;

Author, “The Road to Victory in Shanghai”, World Trademark Review, March/April 2007.

EXPERIENCE IN COURT LITIGATION

Below are some of his representative matters:

- Successfully represented ChildLife, a US nutritional supplements manufacturer, in obtaining a landmark interlocutory injunction in Hong Kong High Court. This is the first successful Hong Kong injunction concerning a cross-border e-commerce platform based on double actionability, allowing the court to take into consideration torts committed by the defendants outside of Hong Kong.
 - Assisted Starbucks Corporation in obtaining judicial well-known recognitions of its trademarks in Shanghai, Beijing and the Supreme People’s Court, as well as well-known trademark recognitions in the PRC Trademark Office and PRC Trademark Review and Adjudication Board.
 - Assisted Harley-Davidson in obtaining an IP protection of their unregistered trademark in a civil lawsuit before Beijing Intermediate People’s Court and Beijing Higher People’s Court.
 - Assisted Louis Vuitton in obtaining its well-known trademark recognitions in the PRC Trademark Review and Adjudication Board, Beijing Intellectual Property Court and Beijing Higher People’s Court.
 - Acted for a well-known French cosmetic brand in the successful defense against a Chinese trademark registrant in a civil infringement lawsuit before the Shanghai courts.
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