



## DU, Mingzhu 杜明竹

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City: Beijing

Practices: Dispute Resolution (Litigation, Arbitration)

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### Basic Information

Ms. Du Specializes in international and domestic arbitrations, litigation and settlement negotiations concerning disputes arising from joint venture contracts, international trade, financing arrangements, securities disputes and construction disputes.

### Professional History

Ms. Du joined Haiwen in 2022. Prior to joining Haiwen, Ms. Du worked for 7 years with several well-known dispute resolution teams in China including Beijing Huizhong Law Firm and Junhe Law Firm.

### Experience Highlights

#### Finance-related Disputes

- Defended for the securities company in a tort dispute case arising from multi-layer nested financing arrangements heard by the Supreme People's Court, and finally settled the case with a settlement to client's satisfaction;
- Acted as the agent for a number of domestic securities companies in arbitration and litigation proceedings for disputes between the securities companies and investors regarding false statement in bond underwriting and other bond transaction disputes;
- Participated in settlement negotiation with product holders on behalf of the securities company as the product manager in a dispute over breach of contract by a securitized asset product, and providing legal analysis opinions;
- Provided advice on behalf of priority investors of a trust scheme on their disputes with inferior investors in the same trust scheme, devising solutions to such disputes; Acting as an agent in litigation proceedings and assisting in negotiation and drafting supplementary agreements;
- Acted as the agent for BMW Financial Leasing Co., Ltd. in handling a number of financial leasing disputes;
- Acted as the agent for a large state-owned enterprise in a financial leasing dispute case to Yunnan High People's Court for a financial leasing company;
- Acted as the agent for Beijing Branch of Korea Development Bank in handling financial lending disputes.

## **Private Fund- related Disputes**

- Defended for several custodian banks in respect of private fund disputes filed by investors before arbitration institutions such as CIETAC, BAC and SCIA;
- Acted as the agent for fund investors to sue an ETF securities investment fund manager over investment losses caused by false record, misleading statement and material omission;
- Acted as the agent for private funds to file lawsuits or arbitrations in a number of equity disputes and repurchase disputes involving different industries; Having extensive experience in representing core issues such as the company's assumption of guarantee obligations and the achievements of the repurchase obligations of the original shareholders;
- Acted as the agent for a Taiwanese company as the target company in arbitration regarding an investment agreement dispute between it and an investment institution;
- Acted as the agent for the original shareholders to defend against an investor's request for equity repurchase arbitration and win the case;
- Acted as the agent for a well-known domestic charity foundation to bring a court action regarding a private equity investment fund dispute between the charity and a well-known domestic private equity investment fund;
- Acted as the agent for a limited partner to participate in the compulsory liquidation process of the fund;
- Acted as the agent for a private equity fund manager in handling disputes with investors over management fees.

## **Corporate Governance, Merger and Acquisition Disputes**

- Acted as the agent for a Chinese joint-stock technology company in handling a series of disputes between the Chinese wholly-owned subsidiary and the operating entity and founding shareholders in accordance with VIE agreements;
- Acted as the agent for several senior managers and directors of a well-known domestic company in litigation regarding infringement disputes between the managers and the company's shareholders;
- Assisted Hong Kong lawyers in representing a domestic high-net-worth individual in litigation proceedings regarding the equity transfer between the individual and a Hong Kong citizen;
- Represented a state-owned enterprise in an arbitration case of disputes over equity transfer between the state-owned enterprise and a Singapore company;
- Provided legal analysis opinions to the Singapore Stock Exchange (SGX) on a dispute arising from the alleged infringement upon investors of that country by a Chinese listed company by withdrawing capital through suspected forgery of debts;
- Acted as the agent for a foreign game company to deal with a series of disputes arising from mergers and acquisitions between domestic companies;
- Acted as the agent for several clients to solve the disputes between them and the target company based on the right to know.

## **Disputes over Joint Venture and Cooperation, Technical Cooperation, Franchise and Exclusive Distribution Agreements**

- Litigated as the agent of a state-owned enterprise for the dispute between the state-owned enterprise and a real estate development company on the basis of a joint-venture agreement of intent;
- Litigated in the Beijing Higher People's Court on behalf of a large technology company regarding a dispute arising from a communication technology development agreement between the technology company and another large state-owned enterprise;

- Provided the legal analysis opinion on behalf of a technology company in connection with a prior dispute under the Technology Cooperation Agreement between the technology company and a provincial sports lottery management center;
- Acted as the agent of a Korean company in arbitration for a joint venture contract dispute between it and another Korean company;
- Acted as the agent of a provincial department in arbitration regarding the dispute over concession agreement between such provincial department and a large construction company;
- Acted as the agent for an American company on its dispute over exclusive distributorship agreement with a well-known domestic food raw material production company;
- Acted as the agent of a well-known British manufacturer of quick-consuming products in arbitration for the distribution contract dispute with a domestic trading company.

**International sale of goods, credit insurance, independent letter of guarantee**

- Litigated in a court action in the Yunnan Higher People's Court on behalf of a foreign bank regarding the independent letter of guarantee and the independent counter-guarantee letter fraud dispute between the foreign company, a large domestic construction company and a domestic bank;
- Acted as the agent for a large Chinese state-owned enterprise to present an expert opinion under Chinese law on relevant issues in an action for a letter of guarantee suspension order, in an arbitration administered by the International Court of Arbitration of the International Chamber of Commerce;
- Acted as the agent for a domestic equipment manufacturer in arbitration for the logistics and transportation dispute between the manufacturer and a domestic international logistics company;
- Acted as the agent for a Japanese equipment manufacturer in arbitration for the dispute arising from the supply contract between the manufacturer and a Chinese company;
- Acted as the agent for the appellant in the second instance in a contract dispute case heard by the Beijing Higher People's Court;
- Acted as the agent for a large state-owned company in arbitration for the dispute over a bulk cargo purchase contract between the company and an international well-known commodity trading company;
- Acted as the agent for a real estate development company in litigation for the raw material purchase contract dispute between the real estate development company and a trading company;
- Acted as the agent for China Export & Credit Insurance Corporation in handling several lawsuits and arbitration cases with the insured;

**Representative performance in the area of compliance**

- Assisted a large state-owned enterprise in issuing legal opinions on the suspension of its membership as the Asian Development Bank;
- Assisted a large state-owned enterprise in issuing legal basis on the sanction imposed by the African Development Bank;
- Participated in the compliance investigation and rectification project of a large state-owned enterprise in connection with the sanctions imposed by the World Bank.

**Accolades**

Ms. Du has been rated as Recommended Lawyer in dispute resolution (Litigation, Arbitration) by Legal 500 Asia-Pacific

for two consecutive years in 2021 and 2022.

Ms. Du is the Deputy Secretary General of Beijing Lawyers Association, and was selected one by the Talent Pool of Beijing Lawyers Association as well as the Belt and Road Initiative of Beijing Lawyers Association.

### **Education**

Ms. Du obtained a Juris Master degree from Peking University in 2015. With the support of China International Economic and Trade Arbitration Commission and BPP Law School, Ms. Du obtained a certificate of completion through a 2-month England Bar Association training program in 2019 at London, England.

### **Language**

Ms. Du's native language is Mandarin, and she speaks English fluently.