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Mark HU

Senior Counsel

Areas of Practice

Mark has over 18 years of experience in multinational companies and leading PRC law firms. Before joining Lifang & Partners, he served as Legal Counsel at Novartis, Senior Legal Counsel at Medtronic, Senior Legal Counsel at Reckitt and Compliance Director at Pfizer.

Mark specializes in corporate compliance, intellectual property, general corporate and dispute resolution.

In the field of corporate compliance, Mark assists domestic and foreign enterprises in addressing compliance and regulatory issues related to anti-bribery, data privacy and cybersecurity, anti-unfair competition, antitrust and import and export controls, and he is especially experienced in the field of healthcare. At Novartis, he served as the Data Privacy Officer (DPO) and led the development and implementation of data compliance system, and provided advice to internal clients on issues including data privacy protection, cross-border transmission, and risk event response, etc.

In the field of intellectual property, Mark is highly experienced in intellectual property strategic consulting, due diligence, technology licensing and transfer, Freedom to Operate (FTO), patent invalidation and litigation, trademark and brand protection, copyright and trade secret protection. He served as the Vice Chairman of the Member Service Committee of the Quality Brand Protection Committee (QBPC) of the China Association of Foreign Investment Enterprises, providing support for the brand and innovation protection of well-known Chinese and foreign enterprises.

In the field of general corporate and dispute resolution. Mark has significant experience in handling M&A, corporate governance, contract drafting and review, labor dispute, product liability dispute, bankruptcy, etc. Clients that he has served or is currently serving in this field include significant companies such as Novartis, Reckitt, Medtronic, China Mobile, Sinochem, Agilent, UPC Renewables, Genting Power, GLU, United Land, etc. He is adept at leveraging his work experience both within corporations and at law firms to gain a profound understanding of clients' business needs and delivering pragmatic and feasible solutions.

Specific Experience

Corporate Compliance

- Assisted multinational companies such as Pfizer, Novartis, Medtronic, Reckitt and Mead Johnson in compliance risk control, including policy-making and training, compliance counselling, monitoring, internal and external investigation, etc.
- Assisting a significant state-owned company in setting up its compliance management system, conducting a diagnostic assessment of the current state of the compliance management system and providing improvement suggestions, identifying compliance risk points in the main business, sorting out compliance responsibilities for key positions and compliance control processes for critical business areas, issuing specialized compliance guidelines for key areas, establishing a evaluation mechanism for the effectiveness of compliance management, etc.
- Assisting a leading Chinese medical device company in setting up its compliance management system to prevent risks of bribery, corruption and fraud.
- Assisted a European multinational company in conducting anti-bribery due diligence and compliance improvement for its subsidiary in China.
- Assisted a number of US and European-based multinational companies with investigation and counseling on potential compliance issues for their Chinese sales teams.
- Assisted a number of large companies with data compliance issues related to data privacy protection, Personal Information Protection Impact Assessment(PIA), GDPR compliance, cross-border data transfers, APP compliance, etc.
- Assisted a European multinational company in implementing a GDPR compliance program in China.
- Assisted a U.S. multinational company with data compliance and cybersecurity risk management.
- Provided anti-bribery compliance counseling and ongoing legal advisory services to a leading Chinese medical cosmetology company.
- Provided compliance consulting and ongoing legal advisory services to a large Japanese multinational medical device company.
- Provided legal consulting services related to intellectual property rights in seed industry and the protection of new plant varieties for a large agricultural conglomerate.

Intellectual Property

- Assisted the China R&D center of a U.S.-based multinational medical device company in handling patent prosecution, layout designing and patent mining, service invention system

construction, patent licensing and transfer, patent invalidation and infringement litigation, trade secrets, trademark and brand protection, etc.

- Assisted a multinational medical device company's venture capital fund and incubator with IP due diligence, patent infringement risk analysis, FTO analysis, patent licensing, patent stability analysis, etc.
- Assisted multiple Chinese pharmaceutical and medical device venture capital funds in IP due diligence, FTO analysis, investment agreement review, etc.
- Provided legal services to a number of biotech and medical device companies in patent prosecution, layout designing and patent mining, patent licensing and transfer, patent stability analysis, and commercialization of scientific and technological achievements.
- Provided intellectual property counseling to a large state-owned telecommunication company.
- Provided intellectual property counseling to a large state-owned chemical company.
- Assisted an innovative biotech company in filing a criminal complaint regarding the infringement of the company's trade secrets by former employees.
- Assisted an innovative medical device company in submitting public opinions to the National Intellectual Property Administration regarding a third-party patent, and successfully invalidated its competitor's invention patents.
- Provided legal consulting on trade secret protection for multiple high-tech companies and handled trade secret infringement litigation cases.

General Corporate and Dispute Resolution

- Assisted a large European multinational company in the M&A and restructuring of its pharmaceutical business in Greater China region.
- Assisted a private pharmaceutical and medical cosmetology group company in equity merger and restructuring.
- Advised a leading innovative medical device company on legal matters of funding.
- Advised a leading optoelectronic chip company on legal matters of funding.
- Assisted a state-owned enterprise on bankruptcy liquidation and employee settlement.
- Assisted a multinational company headquartered in the UK in handling an arbitration case concerning the purchase and sale of large-scale equipment in China, and achieved a satisfactory settlement for the client.
- Provided legal counselling to an European multinational company on its investment in China.

- Assisted an European multinational company in successfully handling its Chinese subsidiary's M&A dispute and litigation case.
- Provided labor law counselling to senior executives and multiple large domestic and foreign enterprises, and handled their labor disputes, arbitration and litigation cases.
- Assisted multiple pharmaceutical companies in successfully handling numerous patient claims disputes and litigation cases arising from adverse drug reactions and quality issues during clinical trials or post-marketing stages.

Professional Affiliations

- Member of All China Lawyers Association
- Member of All China Patent Attorneys Association
- Expert in Shenzhen Expert Database on Responding to Overseas Intellectual Property Disputes
- Expert in Guangzhou Expert Database on Responding to Overseas Intellectual Property Disputes
- Expert in Nanning Expert Database on Responding to Overseas Intellectual Property Disputes
- Supervisor for Legal Master's Degree Candidates, Hunan University of Science and Technology

Publications and Speeches

- "Analysis of the Key Points in Personal Information Protection Compliance Audit (Part 2) - How Enterprises Conduct Compliance Audits", May 9, 2024, Lifang Compliance Review
- "Research Report on Compliance Governance and Intellectual Property Practices in AIGC", April 24, 2024, LexisNexis
- "Takeaways & Compliance Tips for China's New Rules on Data CBDT", April 12, 2024, Lifang Publications
- "Key Points and Compliance Tips of the Provisions on Promoting and Regulating Cross-border Data Flows", April 3, 2024, Lifang Compliance Review
- "Analysis of the Key Points in Personal Information Protection Compliance Audit (Part 1) - the Start of the Audit and the Selection of Professionals", March 25, 2024, Lifang Compliance Review

- “The Influence of New US Regulations on Data Security Oversight on Chinese Companies, and Their Corresponding Strategies”, March 18, 2024, Lifang Compliance Review
- “Analysis of Key Points of the Drug and Device Technology License Transaction (License-in/Out) (Part 2) Intellectual Property Due Diligence and FTO (III)”, March 29, 2024, Lifang Observation, Wolters Kluwer
- “Analysis of Key Points of the Drug and Device Technology License Transaction (License-in/Out) (Part 2) Intellectual Property Due Diligence and FTO (II)”, March 14, 2024, Lifang Observation, Wolters Kluwer
- “Analysis of Key Points of the Drug and Device Technology License Transaction (License-in/Out) (Part 2) Intellectual Property Due Diligence and FTO (I)”, March 8, 2024, Lifang Observation, Wolters Kluwer
- “Anti-Corruption Compliance in Pharmaceutical Industry (II) Risks of Commercial Bribery in Sponsorship, Funding and Donation Programs of Pharmaceutical Enterprises and Key Points in Risk Managements”, 2024-01-19, Lifang Compliance Review, Wolters Kluwer
- “Analysis of Key Points of the Drug and Device Technology License Transaction (License-in/Out) (Part 1): A Comprehensive Overview and Main Process Sorting”, November 9, 2023, Lifang Observation, Wolters Kluwer
- “Series Articles on Anti-corruption Compliance in Healthcare Industry (Part 1): How Healthcare Companies Effectively Control Compliance Risks of HCP Speaker Fees”, September 18, 2023, Lifang Observation, Wolters Kluwer
- “The Latest Changes in the Regulation of Human Genetic Resources in China and Its Impact on Healthcare Industry”, June 10, 2023, Lifang Observation, Wolters Kluwer
- Speech: “Academic Promotion and Compliance Practice of Pharmaceutical Enterprises under the Anti-bribery Storm”, October 29, 2023, Sai Bai Lan Pharmaceutical Compliance Seminar
- Speech: “Regulatory Compliance Risks and Solutions in Cross-border Pharmaceutical Licensing Transactions”, October 18, 2023, 8th Intellectual Property Frontier Pharmaceutical Forum
- Speech: “How Healthcare Companies Effectively Control Compliance Risks of HCP Speaker Fees”, September 13, 2023, E-Drug Healthcare Executives
- Speech: “Analysis of Key Points for Medical Device Licensing Transactions”, July 11, 2023, China Medical Device Intellectual Property Development Summit Forum

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Awards

- Legal 500 Recommended Lawyer

Education

- LLM, Temple University
- Master of Laws, East China University of Political Science and Law
- Bachelor of Medicine, Tongji University

Qualifications

- China Licensed Lawyer
- China Licensed Patent Attorney

Working Languages

- Mandarin Chinese
- English