

## International

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### China Practice

#### Contacts

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China continues to play an ever-larger role on the global stage. The country has been a significant part of Garvey Schubert Barer's international practice since 1979, when named partner Stan Barer negotiated the resumption of shipping trade between China and the United States after a 30-year hiatus. Since then, our firm has been representing the original national flag ocean carrier of the People's Republic of China, China Ocean Shipping (Group) Company (COSCO). In 1997, we represented COSCO in a \$274 million securitization financing, the first such financing completed in the United States by a Chinese company.

We represent international clients doing business in China as well as individuals and entities from China with investments and business interests in the United States. Our experience includes substantial work on trade and antidumping matters on behalf of Chinese producers and exporters of products sold in the United States.

#### U.S. Immigration

U.S. immigration laws involve a complex array of processes and procedures. Businesses and individuals that effectively manage these laws are better positioned to succeed in the global marketplace. We help clients successfully accomplish this task by monitoring the effects of the laws' ever-changing details on our clients and their plans and keeping clients updated on what we are doing for them and why, as well as on changes in the laws.

Our immigration services for Chinese businesses and Chinese branches of U.S. businesses include the following:

- ▶ Helping clients qualify key technical, executive, managerial and professional personnel, along with family members, so these individuals can enter and remain in the United States on a temporary or permanent basis
- ▶ Advising Chinese families seeking to have fiancés, spouses, parents and children enter and remain in the country
- ▶ Updating Chinese clients on legislative and administrative developments in U.S. immigration laws
- ▶ Ensuring that Chinese clients comply with U.S. immigration laws, including those designed to prevent employment of unauthorized aliens

Our immigration lawyers are licensed in one or more U.S. jurisdictions and are members of AILA (American Immigration Lawyers Association). In addition, our lawyers have extensive, unparalleled experience representing clients in immigration matters before the U.S. Citizenship and Immigration Services, U.S. Department of Labor, U.S. Department of State and U.S. Consulates in China. We continually monitor each consulate's immigration policies, practices and procedures.

When dealing with U.S. immigration authorities, knowledge of Chinese practices involving corporate, finance and taxation issues can be extremely helpful in achieving a favorable outcome for clients. Because of our long-time representation of Chinese clients, we have an in-depth understanding of these practices.

#### Customs and Trade Practice

Many of our customs and trade cases involving China focus on antidumping allegations that are tried before U.S. International Trade Commission and the U.S. Department of Commerce.

When litigating these cases, our lawyers draw on their previous experience working at the International Trade Commission and the Commerce Department. This experience includes investigating factual issues, analyzing legal issues, advising commissioners at the International Trade Commission and representing these U.S. agencies before the Court of International Trade and the U.S. Court of Appeals for the Federal Circuit.

To date, we have won 18 initial antidumping investigations and more than 30 cases for Chinese exporters and producers. All the exporters we have represented have continued exporting products to the United States.

In addition to winning antidumping cases, we have successfully represented Chinese companies in safeguard cases and Section 337 actions that seek to bar imports into the United States on the grounds they infringe U.S. patent, trademark or other intellectual property rights. We also represent U.S. importers of Chinese products facing actions by the U.S. Customs and Border Protection.

### **China Corporate Practice**

For China-related corporate matters, there is no substitute for experience. Lawyers in the Beijing office of Garvey Schubert Barer have more than 50 years combined experience representing international investors and financial institutions active in China. We also represent Chinese businesses and investors with interests in the United States and elsewhere. Our services include advising these clients on P.R.C. compliance issues and working with clients to favorably resolve P.R.C.-related disputes.

All the corporate lawyers in the Beijing office are bilingual (Chinese and English) and have substantial experience working in China and major financial centers, including New York City, Hong Kong and Tokyo. This unusual — and useful — blend of cultural immersion and legal and business expertise enables our China corporate team to effectively represent both international and P.R.C. clients across a wide range of industries. These include banking, biotech, consumer products, manufacturing, mining, high technology, services, logistics, telecommunications, media, aviation, energy (oil and gas, electricity and renewables), natural resources, transport (road and rail), real estate, pharmaceuticals and healthcare.

### **Specific Service Offerings**

- ▶ Debt and project financing
  - ▶ Negotiation of loan agreements
  - ▶ Infrastructure development
  - ▶ Power-plant development
  - ▶ Operation and Maintenance contracts
- ▶ Exporting to China
  - ▶ Distribution agreements
  - ▶ Sales agency contracts
  - ▶ Joint ventures
  - ▶ Franchise arrangements
  - ▶ U.S. export subsidies
  - ▶ U.S. export restrictions and licensing
- ▶ Exporting to the United States
  - ▶ U.S. customs regulations and tariffs
  - ▶ Advising on customs duty drawbacks
  - ▶ Country-of-origin labeling
  - ▶ Shipping contracts
  - ▶ Letters of credit
  - ▶ Compliance with IRS transfer pricing regulation
- ▶ Forming a business entity
  - ▶ Opening representative offices
  - ▶ Joint ventures
  - ▶ Establishing foreign-owned enterprises
  - ▶ Other business arrangements
- ▶ Intellectual property
- ▶ Manufacturing in China
  - ▶ Forming a business with Chinese partners
  - ▶ Raw material supply contracts

- ▶ Leases
- ▶ Mergers and acquisitions
  - ▶ Purchasing Chinese state-owned enterprises
  - ▶ Tax planning and compensation issues
  - ▶ Letters of intent and due diligence
- ▶ Venture capital financing

Our lawyers can also assist clients in locating accountants, commercial and investment banks, joint venturers, real estate brokers and freight forwarders.