



資深律師

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莊薇馨

Elva Chuang

莊薇馨律師專精於商業機密、金融科技相關法規、公平交易法以及勞動法等領域。她嫻熟於公司治理、外人投資、兩岸投資有關法律及實務，並曾為眾多知名國內、外公司提供公司治理相關法律諮詢服務。

莊薇馨律師也為眾多知名金融科技公司在洗錢防制法令、公司法及證券交易法之法令遵循事項提供法律意見，其客戶包括知名加密貨幣交易所、虛擬通貨信託事業、區塊鏈及數位資產借貸平台等。她目前是台灣金融科技協會的會員。

專業資格

- 2017 年 取得中華民國律師資格
- 2021 年 取得證券商高級業務員
- 2023 年 取得中華人民共和國律師資格

學歷

- 國立政治大學法學 碩士 (2017)
- 國立政治大學法學 學士 (2014)

經歷

- 研究助理，2016 年公司法全盤修正民間修法委員會 (2016.06-2016.08)

專門領域

- 營業秘密保護、區塊鏈及數位資產、資訊安全、個資保護等科技法律問題
- 公司法及公司治理
- 公平交易法(競爭法)
- 勞動法

辦案經歷

- 營業秘密、區塊鏈及數位資產、資訊安全等科技法律問題
- 協助為國內半導體業上市公司對營業秘密侵害案件提出刑事告訴及民事訴訟

- 為多家新創或科技公司針對虛擬貨幣相關業務之法律意見及撰擬合約
- 為台灣知名區塊鏈硬體錢包業者提供台灣法之法律諮詢服務
- 為日本知名電信業者提供有關電信代扣業務之法律意見
- 為知名虛擬通貨交易所提供法律意見及撰擬合約
- 提供手機及線上遊戲產業廠商台灣法令諮詢，並協助草擬使用者規範及個人資料保護規範
- 協助國內電信公司處理 4G 頻譜爭議民事訴訟

● 公平交易法(競爭法)

- 參與及協助 IC 設計廠商競爭法案件訴訟
- 協助台灣上市塑膠工業業者取得臺灣結合及大陸經營者集中申報之許可
- 協助知名瑞世上市半導體業者取得臺灣結合申報之許可
- 代表國際感知器大廠就其於德國之公開收購交易取得臺灣結合許可

● 大陸法律諮詢

- 提供台商赴大陸投資之有關諮詢
- 協助提供知名化妝品業者配方引進大陸市場所生之爭議問題、協助撰擬開發合同及採購合同
- 為台灣知名電梯業者之公司治理事項提供台灣法及大陸法之法律意見
- 協助知名遊戲廠商處理美術素材涉及在大陸侵權之爭議

● 其他法律諮詢

- 協助為聲譽卓著的比利時離岸風電廠商就其與台灣最大造船廠商協商業務合作案提供關於台灣法律之法律諮詢
- 協助提供 Macquarie Capital Group Limited 就 Asian Pay Television Trust 於新加坡交易所掛牌上市乙案關於台灣法律之法律諮詢
- 協助國內外公司處理勞雇關係及日常企業經營之法律問題諮詢，主要客戶包括台灣知名家具業者、跨國菸草業者、跨國飲料公司、知名線上零售電商平台、香港知名飯店業者、瑞典知名家具業者、美國知名建築和工程公司等。

著作

- 我國引入公司秘書制度之芻議，碩士論文
- 代幣融資的無政府狀態落幕:從美國的近期發展看 ICO 的法律風險
- 企業使用開放原始碼軟體應注意之法律問題
- 收受穩定幣是否構成銀行法違法吸金罪之收受存款行為?
- 台灣證券性質虛擬通貨發行及交易規範重點摘要及修訂建議
- 大數據時代下的電商及科技巨頭的機會與挑戰
- 「新興跨境匯兌模式」之法律風險
- 「具證券性質之數位代幣」(Security token)之認定標準宜更明確，否則代幣發行人之潛在法律風險猶仍存在
- 108 年度公司法新制實務案例解析手冊(與孫煜輝律師共同擔任執筆人;由經濟部中小企業處發行)
- 108 年度中小企業誠信經營手冊(與孫煜輝律師共同擔任執筆人;由經濟部中小企業處發行)

語言

國語、英語、台語

Elva Chuang Senior Associate

elvachuang@leetsai.com

Elva Chuang specializes in trade secrets, fin-tech related law and regulations, antitrust, unfair competition as well as labor law. She also has substantial experience in corporate governance and the regulation of foreign investment in Taiwan and Mainland China, and she has advised many well-known foreign and domestic corporations in corporate legal matters in the greater China area.

Elva also delivers exhaustive legal compliance insights to numerous domestic and international financial technology firms, notably cryptocurrency exchanges, along with virtual currency trusts and blockchain & digital assets lending platforms and start-up. Her guidance extends from navigating Anti-Money Laundering protocols to Company and Securities regulations. She is currently a member of the Taiwan Fintech Association.

QUALIFICATION

- Admitted to the Taiwan bar, 2017
- Senior Securities Specialist, 2021
- Admitted to the China bar, 2023

EDUCATION

- National Cheng-Chi University, Department of Law (LL.M., 2017)
- National Cheng-Chi University (LL.B, 2014)

EXPERIENCE

- Research assistant, Civil Commission for the Comprehensive Amendment of the Taiwan Company Act 2016 (2016.06-2016.08)

FIELDS OF EXPERTISE

- Trade secret, blockchain & digital assets, cyber security, personal information protection and other technology law issues
- Company Act and corporate governance
- Competition law (antitrust & unfair competition law)
- Labor law

PREVIOUS PROJECTS AND CASES

- **Trade secret, blockchain & digital assets, cyber security, personal data protection and other technology law issues**
 - Assisted a Taiwan listed company in the semiconductor business in criminal and civil actions for trade secret misappropriation
 - Provided legal advice to several startups and technology companies regarding their cryptocurrency related businesses and drafting relevant contracts
 - Advised a well-known blockchain hardware-wallet manufacturer on Taiwan law
 - Advised a leading Japanese telecom enterprise on Taiwan law with respect to direct carrier billing
 - Provided legal advice to well-known cryptocurrency exchanges and assisted on drafting relevant contracts.
 - Advised mobile game and online game companies on Taiwan law and assisted in drafting term of use and privacy policy documents
 - Assisted a domestic telecommunication company in civil litigation over a 4G spectrum dispute.
- **Competition law (antitrust & unfair competition law)**
 - Assisted a leading IC design company in competition law matters
 - Assisted a listed plastics industry enterprise in Taiwan to obtain pre-merger approvals in Taiwan and China
 - Assisted a well-known Swiss listed semiconductor company to obtain pre-merger approval in Taiwan
 - Assisted an international leading sensor solutions company to obtain pre-merger approval in Taiwan for its public tender offer of a lighting solutions company in Germany
- **PRC Legal Consulting**
 - Advised Taiwan clients on investments in China
 - Advised a well-known skin care service provider in a dispute regarding the introduction of a new formula into the China market, and assisted in drafting development contracts and procurement contracts
 - Advised a well-known elevator operator in Taiwan on various corporate governance matters under Taiwan and PRC laws
 - Assisted a well-known video company in handling a copyright infringement dispute over art assets in China.
- **Other Legal Advice on Corporate Governance**
 - Assisted a renowned Belgian offshore windfarm company in its joint venture with the largest ship builder in Taiwan and provided legal advice on Taiwan law.
 - Assisted Macquarie Capital Group Limited on Taiwan law in respect of an offering of Asian Pay Television Trust units on the Singapore Exchange Securities Trading Limited.

理慈國際科技法律事務所

Lee, Tsai & Partners Attorneys-at-Law

- Assisted and advised a famous furniture manufacturer in Taiwan, an international tobacco company, an international beverages group, a famous online retail store platform in the United States, a well-known hotelier group in Hong Kong, an international furniture manufacturer in Sweden, and a well-known construction and engineering company in the United States on employment and general legal affairs.

WORKS AUTHORED

- The Proposal of the Introduction of Company Secretary System (2017, Thesis at NCCU)
- Ending the Anarchy of ICOs: Legal Risks for ICOs from Recent Developments in the U.S.
- Legal Issues that Companies Should Be Aware Of When Using Open Source Software (Taiwan)
- Does Acceptance of Stablecoins Constitute the Offense of Illegal Acceptance of Deposits under the Banking Act?
- Focused Summary of the Taiwan Regulations on the Issuance and Trading of the Security Token and Regulatory Amendment Recommendations (Taiwan)
- Opportunities and Challenges for E-commerce and Technology Giants in the Big Data Era
- Legal Risks of Emerging Cross-Border Exchange Models
- Security Tokens Requirements Are Insufficiently Clear to Eliminate Legal Risks Faced by Token Issuers
- Handbook on the Analysis of New Corporate Law of Taiwan for the Year 2019 with Cases (co-authored with Frank Sun and published by the Small and Medium Enterprise Administration, Ministry of Economic Affairs)
- Business Ethics Handbook for Small and Medium Enterprises for the Year 2019 (co-authored with Frank Sun and published by the Small and Medium Enterprise Administration, Ministry of Economic Affairs)

LANGUAGES

Mandarin, English and Taiwanese