



二级合伙律师

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陈姣姣 Jolene Chen

专业资格

2017 年取得中华人民共和国律师执业证

2010 年取得中华人民共和国法律职业资格证书

学历

- 华东政法大学法学硕士 (2014)
- 美国威斯康星大学法学硕士 (2013)

经历

- 上海理慈律师事务所 (2016.4-至今)
- 罗思(上海)咨询有限公司 (2014.1-2015.10)

专门领域

- 公司法律事务
- 知识产权案件
- 劳动争议案件
- 商事仲裁案件
- 一般民刑事案件
- 反垄断法及反不正当竞争法案件

办案经历:

- 负责处理商业秘密、专利权属纠纷及专利侵权等诉讼案件;

- 负责处理著作权、商标权侵权等诉讼案件;
- 负责物权确认纠纷诉讼案件;
- 负责在中国国际贸易仲裁委员会、上海国际经济贸易仲裁委员会处理合同纠纷案件;
- 处理公司与离职员工的竞业限制纠纷;
- 代理公司处理解雇员工的劳动争议案件;
- 代表公司与因工受伤的员工达成和解协议;
- 负责知识产权案件全流程的办理, 包括设计取证, 网页公证保全, 提起阿里巴巴、京东、微信等电商平台投诉维权, 完成商标、专利、著作权侵权对比, 制定相应的维权策略, 如提起专利无效程序, 撰写警告信, 发起工商投诉或者提起诉讼等;
- 协助私募基金集团投资中国公司, 提供法律尽职调查及相关公司和投资法律问题咨询;
- 为知名公司在投资过程中提供法律尽职调查服务, 并出具相关法律意见;
- 协助海外客户签订涉外房屋买卖合同, 完成购房付款、交付及过户手续;
- 针对客户公司的人事制度, 出具法律意见书, 涵盖公司合并中的劳动关系转移、岗位变动后的解雇风险评估、员工培训后的服务期设定等;
- 在反不正当竞争法和反垄断法领域提供法律意见, 例如评估海外竞争者购买公开市场股票是否需要申报经营者集中, 以及合同内容是否构成反垄断法禁止的限制交易行为。

著作:

- 论我国专利药与仿制药规制体系完善——以美国经验为视角 (论文, 2014)
- 我国“平面到立体”复制权立法问题研究 (2014年5月)
- 中国政府采购系列问题 (Getting the Deal Through) (合著) (2018年11月)
- 外国企业收购中国公司的知识产权问题 (Getting the Deal Through) (合著) (2019, 2020年11月)

语言

- 国语、英语

Jolene Chen Associate Partner
jolenechen@leetsai.com

Obtained Attorney's License, 2017, China

Admitted to the Bar, 2010, China

EDUCATION

- LL.M., East China University of Political Science and Law (2014)
- LL.M., University of Wisconsin-Madison. (2013)

EXPERIENCE

- Shanghai Lee, Tsai & Partners
Attorneys-at-Law
(April 2016 –)
- Rouse Consultancy (Shanghai) Limited
(January 2014 – October 2015)

FIELDS OF EXPERTISE

- Corporate Law
- Intellectual Property Law
- Labor Law
- Commercial arbitration cases
- General Civil and Criminal Law
- Antitrust law and Unfair Competition Law

PREVIOUS PROJECTS AND CASES

- Responsible for handling litigation cases involving trade secrets, patent ownership disputes and patent infringement;
- Responsible for handling copyright and trademark infringement litigation cases;
- Responsible for handling real estate division litigation cases;
- Responsible for handling contract disputes before the CIETAC and SHIAC;
- Handled non-compete disputes between a company and a departed employee;
- Represented a company in a labor dispute case over a terminated employee;
- Represented an employer in reaching settlements with employees injured on the job.
- Responsible for the handling of the overall litigation process in intellectual property cases, including evidence collection, webpage notarization and preservation, filing complaints and rights protection on e-commerce platforms such as Alibaba, JD.com, and WeChat; conducting

infringement comparisons for patents, trademarks and copyrights, and proposing corresponding protection strategies, such as filing patent invalidation procedures, drafting warning letters, initiating AIC complaints or filing lawsuits, etc.;

- Assisted a foreign private equity group in its investment of a Chinese company, including conducting due diligence and providing advice on investment and general corporate law issues.
- Advised a well-known company on various legal issues with respect to due diligence in its investments.
- Assisted overseas clients to sign real estate transaction contracts and completing the payment and handover processes.
- Provided legal opinions with respect to client company's human resources management, including the transfer of the labor relations in a merger, a risk assessment of termination after changing employee's position, the service period for employees after training, etc.
- Provided legal opinions in the field of Anti-Unfair Competition Law and Anti-Monopoly law, including whether it is necessary to make merger filings if an overseas competitor purchased stock from the open market; whether the content of the contracts may constitute a prohibited restriction of transactions in violation of Anti-Monopoly Law.

PUBLICATION

- On the perfection of regulation system of patent and generic drugs in China -- from the perspective of American experience (Thesis, 2014)
- The "Plane to Stereo" copyright in China (May, 2014)
- Chinese Government Procurement Issues, Getting the Deal Through, November 2018 (Co-Author)
- Intellectual Property Issues for Foreign Enterprises Acquiring Chinese Companies , Getting the Deal Through, November 2019, 2020 (Co-Author)

LANGUAGES

Mandarin, English