



### Nathan Bush

Partner

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Nathan (Nate) Bush advises clients in internal investigations, government enforcement actions, and compliance matters in Asia. He was based in Beijing from 2004 through 2012, and has covered the region from Singapore since 2013. Nate was a pioneer of antitrust practice in China, and guides clients through anti-bribery and anticorruption (ABAC) risks in Asia's dynamic markets.

### LANGUAGES SPOKEN

Chinese (Mandarin)  
Engleză

Nate represents companies and individuals in internal investigations and enforcement actions involving violations of the US Foreign Corrupt Practices Act (FCPA) and other ABAC laws, as well as securities fraud, market misconduct, money laundering, export controls, and sanctions violations. He has conducted investigations in China, Indonesia, India, Malaysia, Japan, South Korea, Thailand, Vietnam, Cambodia and other jurisdictions, and routinely advises on compliance aspects of capital markets, M&A, private equity and venture capital transactions in Asia.

Nate advises clients regarding antitrust merger notifications, compliance strategies, and enforcement risks under Asia's evolving competition regimes. He leads innovative multi-jurisdictional approaches to antitrust regulatory inquiries, litigation, and policy advocacy, and represents clients in US merger review and antitrust litigation matters.

Nate is experienced in the specific regulatory risks of diverse industries in Asia, including the financial services, life sciences, semiconductor, media, telecommunications, energy, aviation, manufacturing and retail sectors.

He frequently publishes articles and speaks on competition policy and compliance issues in Asia. He co-authored the China chapter of the ABA's treatise on Competition Laws Outside the U.S., and writes a bimonthly column on antitrust in China Law & Practice. Nate clerked for the Hon. Leonie M. Brinkema in the US District Court for the Eastern District of Virginia.

### LANGUAGES SPOKEN

- Chinese (Mandarin)
- Engleză

### EXPERIENCE

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## Investigations and Compliance

- Conducted dozens of internal investigations of potential liability under the US Foreign Corrupt Practices Act (FCPA) and local anticorruption rules, including recent investigations of:
  - clinical trials in China by a pharmaceutical company
  - recruiting practices in China of a financial institution
  - marketing practices in Indonesia of a technology company
  - customs clearance and sales practices of a technology company in Singapore, Indonesia, and China
  - use of consultants in Indonesia, Malaysia, and China by financial institutions
- Represented audit committees of multiple China-based issuers in internal investigations of allegations of fraud and accounting irregularities
- Represented individual defendants in internal investigations and government investigations of collusion in fixing of reference foreign exchange rates and other regulated market misconduct

## Antitrust and Competition

- Advised US manufacturing company on merger clearance in China and other jurisdictions in USD 5 billion dollar acquisition of competitor
- Advised major technology company in investigation of competitor's IP licensing practices by Chinese authorities
- Advised Asian manufacturer in investigation of price-fixing by employees and disclosure to competition authorities
- Advised hard-drive manufacturer in obtaining conditional clearance of acquisition of competitor in China and other jurisdictions
- Advised US entertainment company on antitrust and other regulatory issues regarding strategic joint venture with Chinese entertainment company

## CREDENTIALS

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### Professional Qualifications

- Attorney-at-law registered with the District of Columbia Bar

### Recognitions

- Named by *Chambers Asia Pacific* 2018 as a leading individual in the area of Corporate Investigations/Anti-Corruption - Singapore.

### Education

- Harvard Law School, Cambridge, MA, 1997-2000. Juris Doctorate (J.D.), Cum Laude, 2000
- Harvard Asia Quarterly, Editor in Chief, 1998-2000
- Harvard International Law Journal, Submissions Committee, 1998-1999
- Harvard Asia Law Society (HALS), 1999-2000. Executive Committee Member, 1998-2000
- University of Virginia, Charlottesville, VA, 1991-1995. B.A. in Government & Foreign Affairs, East Asian Studies (Minor), 1995
- Judicial Clerkship, Hon. Leonie M. Brinkema, U.S. District Court, E.D. Va. 2000-2001

### Memberships

- Co-Chair, IP and Legal Committee, American Chamber of Commerce in Singapore, 2016-present
- General Counsel (Volunteer), American Chamber of Commerce in China, 2009-2011

- Chair, Legal Committee, American Chamber of Commerce in China, 2008
- Harvard Asia Law Society (HALS), Executive Committee Member, 1998-2000
- Harvard Asia Quarterly, Editor in Chief, 1998-2000
- Harvard International Law Journal, Submissions Committee, 1998-1999

## Admissions

- District of Columbia, Virginia
- Co-Chair, Legal & IP Committee, AMCHAM Singapore (2017)
- General Counsel, AMCHAM China, (2009-2011)

## INSIGHTS

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### Publications

#### **Antitrust Matters - May 2019**

13 MAY 2019

Antitrust Matters Series

We are pleased to share with you a New Edition of our periodical global publication Antitrust Matters.

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#### **Super-apps complicate corporate compliance, pose heightened risks under FCPA Corporate Enforcement Policy**

10 JUL 2018

Super-apps allow seamless interaction between colleagues, customers, suppliers and other business parties. In some jurisdictions, local employees communicate exclusively via such apps – but this conduct presents grave legal, compliance and risk-management challenges.

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#### **US to re-impose sanctions on Iran as it withdraws from the Joint Comprehensive Plan of Action**

9 MAY 2018

President Trump has signed a presidential memorandum directing his Administration to immediately begin the process of re-imposing sanctions related to the Joint Comprehensive Plan of Action, targeting critical parts of Iran's economy, among them its energy, petrochemical and financial sectors.

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#### **Smartphone apps pose heightened compliance risks under new US FCPA Corporate Enforcement Policy**

7 FEB 2018

Smartphone users in China and many other emerging economies increasingly rely on so-called super-apps, which integrate features otherwise accessible through multiple applications under a single user interface and account.

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#### **Antitrust Matters - November 2017**

23 NOV 2017

Antitrust Matters Series

We are pleased to share with you a Special Edition of our periodical global publication Antitrust Matters.

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### Conducting investigations in China: four common pitfalls

3 OCT 2017

Conducting an investigation in a foreign country can be challenging, and in China many of these challenges are magnified.

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### Threat of antitrust "dawn raids" in Indonesia

14 AUG 2017

Recent actions by Indonesia's principal competition authority, the Business Competition Supervisory Commission, portend an increased threat of dawn raids in Indonesian antitrust investigations.

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- "China Law & Practice," bimonthly column on Chinese competition law, 2014-present
- "Qihoo v. Tencent: Roadmap or Anomaly?," *Antitrust*, Vol. 29, No. 2, Spring 2015
- Competition Laws Outside the U.S., ABA Treatise, China Chapter

## Events

### Previous

#### Antitrust Big Data webinar

22 FEB 2018

Antitrust Big Data webinar

Webinar

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#### Antitrust aspects of big data and algorithms

23 JAN 2018

Webinar

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#### Antitrust Big Data webinar

22 JAN 2018

Antitrust Big Data webinar

Webinar

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## **Investigations and Compliance**

- “Southeast Asia: Critical Updates and Risk Factors.” ACI, Global Regulatory Enforcement Update, Washington, D.C., December 2, 2016
- “The Rise of Whistle-blowers,” International Bar Association, Asia Pacific Regional Forum on Anti-Corruption Compliance and Enforcement, Seoul, November 3-4, 2016
- “New Data and Privacy Regulation Restrictions: Impact on Cross-Border Data Transfers, Reporting, and Investigations”, ACI, “Asia-Pacific Summit on Anti-Corruption Compliance and Risk Management,” Singapore, November 17, 2015
- “Preparing for Increased SEC Enforcement and Expectations”, ACI, “Asia-Pacific Summit on Anti-Corruption Compliance and Risk Management,” Singapore, October 27-29, 2015
- “How to Establish a Corporate Compliance Ethics Program & Manage Whistleblower Complaints,” ACI, “FCPA Bootcamp –Working Group Session” San Francisco, CA, October 1, 2015
- “Antitrust & Anticorruption in China and Russia,” ACI, Global Anticorruption Regulatory Enforcement Update, Washington, D.C., July 20, 2015
- “Anti-Corruption Compliance Strategies for Multi-National Companies in China,” PLI, “The Foreign Corrupt Practices Act and International Anti-Corruption Developments,” New York, NY, May 2015

## **Antitrust and Competition**

- “Cartel Leniency & Settlement Policies,” UNCTAD Competition Symposium, Chinese University of Politics & Law, Beijing, Sept. 27, 2016
- Conference Chair, CCH Global Competition Law Forum, Tokyo, July 29, 2016
- “Let the Buyer Beware? Challenges to Merger Review in Asia,” American Bar Association, 2015 Asia Law Forum, Nov. 16-17, 2015
- Conference Chair, CCH Global Competition Law Forum, Tokyo, May 21, 2015