



### Ernest Yang

**Partner**

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Ernest Yang is a partner at DLA Piper. He heads the Litigation & Regulatory Group in Hong Kong and is responsible for the International Arbitration practice in Asia. Ernest is also a qualified Solicitor Advocate in England and Wales.

Ernest's main area of practice is in commercial litigation and arbitration. He is experienced in handling international disputes covering areas such as sale of goods/trade and commodities, joint ventures, energy and offshore projects, international investment and technology. Ernest is experienced in handling arbitration disputes in a variety of venues including Australia, Beijing, Hong Kong, Singapore, Switzerland, London, and Stockholm before arbitral institutions such as the BIAC, CIETAC, HKIAC, ICC, LCIA, LMAA, SCC, SCMA, SHIAC and SIAC (in alphabetical order).

Ernest was appointed a member of the Chinese People's Political Consultative Conference (CPPCC) in Shanghai in 2013, with a mandate to help Shanghai develop into an international arbitration centre. In 2015, Ernest was part of a team which submitted the proposal "Building Shanghai into a Ship and Aircraft Finance and Leasing Centre" to the China (Shanghai) Pilot Free Trade Zone. This proposal has been recognised as one of the "Outstanding Proposals of the Year" in 2016. Ernest was promoted to the Standing Committee of the CPPCC in Shanghai in January 2019.

Ernest was named by Chambers Asia Pacific 2011-2020 as a leading individual in the area of Dispute Resolution: Arbitration in China. Clients characterise him as "highly experienced", and also praise his "good legal insight". Legal 500 Asia Pacific 2018 noted: "Ernest Yang has 'a good common law background and experience in dispute resolution - his strength is to tease the frame of the case and decide on a winning strategy.'" He has also been recognised in China Business Law Journal 2016-2020 as The A-List Top 100 Lawyers for China practice.

Since 2011, Ernest has started to accept appointments as arbitrator and was appointed as arbitrators in various jurisdictions (including as a sole arbitrator) on many occasions.

#### RELATED SERVICES

- Litigation, Arbitration and Investigations
- International Trade, Regulatory and Government Affairs

#### RELATED SECTORS

- Technology
- Energy and Natural Resources

#### LANGUAGES SPOKEN

English Chinese  
(Cantonese) Chinese  
(Mandarin)

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- English
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## EXPERIENCE

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### AREAS OF EXPERIENCE

- International Arbitration
- Litigation
- Corporate, Shareholders and Joint Ventures
- International Sale of Goods and Distribution Contract
- Intellectual Property and Technology
- Private Equity and Financial Instruments
- Energy and Offshore
- Maritime and Transportation

### SELECTED EXPERIENCE

#### **Corporate, shareholders and joint venture disputes**

- Acting for Saleen Motors in their multi-billion dollar dispute with their joint venture partner in China involving arbitration proceedings in Hong Kong and applications before the Hong Kong Courts for anti suit injunctions to restrain PRC court proceedings.
- Acting for a Chinese food and beverage company in respect of enforcement proceedings before the Hong Kong Courts in their dispute with its Korean joint venture partner.
- Acting for a leading conglomerate in Asia in their multi-billion dollar dispute with their joint venture partner in China involving arbitration proceedings in Hong Kong conducted entirely in Chinese.
- Acting for a US-based pharmaceutical company in their dispute involving their joint venture partner in China involving arbitration proceedings before CIETAC in Beijing.
- Acting for a US-based video gaming company in their joint venture dispute with their Chinese partner involving arbitration proceedings in Singapore.

#### **International sale of goods and distribution contract disputes**

- Acting for the Midea Group, the leading air conditioning and white goods manufacturer, in a dispute involving their long term distribution contract in Israel involving arbitration proceedings in Singapore and a leading case in the Singapore Court of Appeal concerning the setting aside of arbitration awards.
- Acting for a leading steel conglomerate in China concerning the import of raw materials from an Australian supplier involving arbitration proceedings in Australia.
- Acting for a conglomerate in China concerning the supply of equipment to European purchasers involving arbitration proceedings in Switzerland.
- Acting for a leading steel mill in China in their dispute with a counterpart concerning non-performance of the contract due to violations of US anti-dumping regulations involving arbitration proceedings in Hong Kong.
- Acting for a leading European manufacturer of consumer products in their dispute with manufacturers based in the PRC due to alleged use of child labour involving arbitration proceedings in Hong Kong and parallel proceedings in China.

#### **Intellectual property and technology disputes**

- Acting for an Israeli-based company with technology for use in mobile phones under a technology licensing agreement against a PRC-based manufacturer involving arbitration proceedings in Hong Kong.
- Acting for a US-based medical devices manufacturer against their licensee in China involving arbitration proceedings before

CIETAC in Beijing.

- Acting for a Chinese-based medical devices manufacturer against their purchaser in Europe involving arbitration proceedings in Hong Kong.
- Acting for a Chinese manufacturer of telecommunications equipment in their dispute with Eastern European buyers involving arbitration and court proceedings in Sweden.
- Acting for a Chinese-based e-book software manufacturer against a US company for alleged IP theft involving arbitration proceedings in Hong Kong.

#### **Disputes involving private equity and financial instruments**

- Acting for a PRC company specialising in online games in their dispute with a Hong Kong private equity fund in a dispute concerning a convertible bond agreement involving arbitration proceedings in Hong Kong and an application for a Mareva injunction (involving the Chabra jurisdiction) in Hong Kong.
- Acting for a US-based garment manufacturer against a private equity fund in Hong Kong in a dispute concerning a convertible bond and options agreement involving arbitration proceedings in Hong Kong.
- Assisting a PRC bank on their enforcement options in relation to the insolvency of an offshore entity based in Singapore.
- Assisting a Malaysian bank on the enforcement of the loans involving court and insolvency proceedings in Hong Kong.
- Assisting a PRC-based investment bank in insolvency proceedings before the Hong Kong Courts in respect of defaults in repayment.

#### **Energy and offshore disputes**

- Acting for Guangzhou Salvage in relation to a claim in respect of its floating Derrick, The Hua Tian Long, in respect of a multi-million dollar offshore drilling contract. This was a leading case before the Hong Kong courts and established the concept of crown immunity in Hong Kong.
- Acting for a Chinese contractor in their dispute with their Vietnamese counterpart in an EPC contract dispute.
- Acting for a Chinese company against a Norwegian company in respect of the sale of 10 oil tankers involving arbitration proceedings in London.
- Acting for a leading Chinese energy company in respect of their disputes with a Middle Eastern counterpart involving the drilling of oil wells in that country. The dispute was resolved by arbitration in Hong Kong.
- Acting for a leading Chinese energy company which has sold a consignment of oil in respect of its rights and obligations in respect of the bankruptcy of its counterparty based in Singapore.

#### **Maritime and transportation**

- Acting for a leading Chinese liner shipping company in their long term cooperation agreement with an European counterpart involving arbitration proceedings in London.
- Acting for a purchaser of an aircraft in relation to outstanding arrears with an airport authority.
- Acting for a leading insurance company in relation to cargo insured by them which was stolen on board on a vessel in China, involving arbitration proceedings in London and parallel proceedings in China.
- Acting for Jiangsu Eastern Shipyard against a Greek shipowner in a shipbuilding contract dispute involving arbitration proceedings and court proceedings in London which is a leading authority on appeals under the English Arbitration Act.
- Acting for the China Classification Society in the public enquiry in Hong Kong concerning the ferry disaster which took place off Lamma Island in Hong Kong in which they have been completely exonerated.

## **CREDENTIALS**

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### **Professional Qualifications**

- Solicitor of the Senior Courts of England and Wales
- Solicitor of the High Court of Hong Kong

## Prior Experience

Prior to joining DLA Piper, between 1999 and 2007, Ernest practised in the London and Hong Kong offices of an international shipping law firm.

## Recognitions

- Named by *Chambers Asia Pacific 2020* as a leading individual in the area of Shipping: Litigation (International Firms) - China and Dispute Resolution: Arbitration (International Firms) - China.
- Described by *Chambers China 2020* as "[Ernest has an] amazing understanding of the law and cross-cultural experience" and "[Ernest provides] forceful and thorough advocate".

## Education

- University College London, LL.B.

## Memberships

- Shanghai Delegate Member of the Chinese People's Political Consultative Conference.
- Executive Board Member and Honorary Legal Advisor of the Hong Kong Shanghai Economic Development Association.
- Panel Arbitrator in the Singapore Chamber of Maritime Arbitration.
- Member of the Users Council of the Singapore International Arbitration Centre.
- Supporting Member of the London Maritime Arbitrators Association.

## INSIGHTS

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Ernest writes and speaks regularly in Hong Kong and the PRC.

## Publications

### **Chambers International Arbitration 2021 Global Practice Guide – Trends and Development in China**

15 September 2021

China encompasses a number of arbitral jurisdictions, the most popular of which are in Hong Kong and China. In the past year, we continued to see a significant rise in the number of arbitration cases seated in Mainland China and Hong Kong and strong development of the arbitration market despite the pandemic.

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### **Asia Pacific Arbitration Virtual Hearings**

2 November 2020

Virtual hearings

In this edition, we take an in-depth look at the various procedural rules and guidance on virtual/online hearings published by major arbitration institutions within the Asia Pacific region and the practical aspects of virtual hearings being carried out in the region.

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### **Asia Pacific Arbitration Roundup 2019**

12 March 2020

Welcome to the first edition of our new Asia-Pac Arbitration Roundup.

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## Singapore deposits instrument of ratification for the Singapore Convention

5 March 2020

Ambassador Satyendra Prasad of Fiji became the first two countries to deposit their instrument to ratify the Singapore Convention (also known as the United Nations Convention on International Settlement Agreements Resulting from Mediation).

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## Novel coronavirus (2019-nCoV) – potential effects on international arbitration, sale of goods, shipping and shipbuilding (AsiaPac)

10 February 2020

The current outbreak of novel coronavirus (2019-nCoV) is causing widespread concern. This article will discuss the potential impact on international arbitration, sales of goods, shipping and shipbuilding contracts.

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## Updates on Interim Measures from the PRC Courts in Support of Hong Kong Arbitration

27 December 2019

On 16 December 2019, the HKIAC published information on its practice of processing applications under the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the Arrangement).

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## Interim Measures now available for Hong Kong arbitrations from the PRC courts

21 October 2019

On 1 October 2019, the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the Arrangement) came into force. This is a significant development because interim measures are now available in the PRC for arbitrations seated in Hong Kong.

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## BOOKS IN ENGLISH

- Arbitration in Hong Kong: A Practical Guide, Second, Third and Fourth Editions (2011, 2014 and 2017), Sweet & Maxwell

## BOOKS IN CHINESE

- Performance of Contract, Waiver and Estoppel (2018), Law Press, China
- Sale of Goods (2011), Law Press, China
- International Arbitration (2006), Law Press, China
- Evidence (2002), Law Press, China
- Injunctions (2000), China University of Political Science and Law

## ARTICLES

- "Asia's Leading Dispute Resolution Practitioners Say a Universally Accepted Arbitration Framework is Crucial to the Success of the Belt and Road"; China Business Law Journal (September 2017)
- "Solicitor Advocacy: A Solicitor Advocate's View", Hong Kong Lawyer (September 2006)
- "Assessment of Damages for Breach of an Option" [2004] JBL 437

## Events

## Previous

### Global International Arbitration Training Day 2020 – Disputes arising from Sino-US tensions

29 October 2020

Webinar

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- International Chamber of Commerce (ICC) Inaugural Arbitration Day in the Philippines (2018)
- Belt and Road Seminar - Handling Disputes in China (2018)
- Singapore Chamber of Maritime Arbitration (SCMA) Seminar in Jakarta (2017)
- Presentation on Standby L/C and Guarantee Forum hosted by the Institute of International Banking Law & Practice in Hong Kong (2017)
- International Chamber of Commerce (ICC) Opening Seminar for China Arbitration Week in Beijing (2016)
- Weekend seminar for Arbitration Accreditation for the China International Economic and Trade Arbitration Commission (CIETAC) held in Renmin University, Beijing (2016)
- Global Legal ConfEx Conference in New Delhi (2016)
- Tutorials on International Arbitration at the Dalian Maritime University, Dalian (2016)
- Chartered Institute of Logistics and Transport Annual Seminar, Hong Kong (2016)

## NEWS

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### DLA Piper lawyers receive five awards at the Law Society of Hong Kong's 2019 Pro Bono and Community Service Awards

10 January 2020

Five DLA Piper lawyers have been recognized at the 2019 Law Society of Hong Kong's Pro Bono and Community Service Awards.

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