



Nathan Bush

Partner

HEAD OF ANTITRUST AND COMPETITION, ASIA

nathan.bush@dlapiper.com

Singapore

T: +65 6512 6065

F: +65 6512 9500

M: +65 9660 8713

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 Asia from Singapore since 2013.

Nate pioneered antitrust practice in China, and guides clients through anti-bribery and anticorruption (ABAC) risks in Asia's dynamic markets.

Investigations and Compliance: 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, and fraud offenses. He has conducted internal investigations throughout China and Southeast Asia. He advises on compliance program implementation and dawn raids, and compliance aspects of M&A and capital markets transactions.

Antitrust and Competition: Nate advises on 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.

Trade, Sanctions, and Export Controls: Nate counsels clients on compliance with economic sanctions and export controls. He has advised clients on US and Chinese trade remedy proceedings, and in a successful WTO challenge to Chinese market access restrictions in the media sector.

He has served as co-chair of Legal and IP Committee of the American Chamber of Commerce in Singapore (2017-2019) and as Legal Committee Chairman (2008) and General Counsel (2009-2011) of the American Chamber of Commerce in China.

LANGUAGES SPOKEN

- Chinese (Mandarin)
- English

- Investigations
- Antitrust and Competition
- White Collar and Corporate Crime

- Technology
- Life Sciences
- Media, Sport and Entertainment
- Energy and Natural Resources
- Financial Services

Chinese (Mandarin)
English

EXPERIENCE

ANTI-BRIBERY AND ANTICORRUPTION

- Conducted internal investigations of potential liability under the US Foreign Corrupt Practices Act (FCPA) and local anticorruption rules involving:
 - hiring of relatives of politically connected persons by a financial institution in China.
 - clinical trials in China by a pharmaceutical company.
 - use of intermediaries by a financial institution in Indonesia.
 - marketing and customs clearance practices of a US issuer's operations in Singapore, China, Indonesia, and Malaysia.

FRAUD AND CORPORATE MISCONDUCT

- Advised a financial institution in connection with a Monetary Authority of Singapore investigation into misconduct by foreign exchange and interest rate traders.

ANTITRUST AND COMPETITION

- Represented Time Warner in Chinese merger review of its USD85 billion purchase by AT&T.
- Represented major Asian semiconductor company in multi-jurisdictional opposition to a merger of top two manufacturers of semiconductor fabrication equipment, leading to abandonment of the transaction due to objections from competition authorities.
- Advised hard-drive manufacturer in obtaining conditional clearance of acquisition of competitor in China.
- Advised US entertainment company on antitrust and other regulatory issues regarding strategic joint venture with Chinese entertainment company.

INTERNATIONAL TRADE, SANCTIONS AND EXPORT CONTROLS

- Represented US publishing company challenging Chinese restrictions on market access for foreign publishers and publications in support of successful US claims before WTO panel and WTO Appellate Body.

CREDENTIALS

Professional Qualifications

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

Recognitions

- Named by *Chambers Asia Pacific* 2018 as a leading individual and by *Chambers Asia Pacific* 2019 in Band 2 in the area of Corporate Investigations/Anti-Corruption - Singapore.
- Recognized by *Chambers Global* 2019 for "expertise based abroad" in the area of Competition/Antitrust (International Firms) – China.

Education

- Harvard Law School, Cambridge, MA, 1997-2000. Juris Doctorate (J.D.), Cum Laude, 2000
- Harvard Asia Quarterly, Editor in Chief, 1998-200
- 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

- Member, ABA Antitrust Section, Long Range Planning Committee, 2019
- 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

Admissions

- District of Columbia, Virginia

INSIGHTS

Publications

Framing patents as essential facilities in Chinese antitrust: *Ningbo Ketian Magnet Co., Ltd. v. Hitachi Metals*

7 September 2021

Antitrust Matters

A Chinese court recently ruled in *Ningbo Ketian Magnet Co., Ltd. v. Hitachi Metals, Ltd.* that a patent-holder's refusal to license patents for producing rare-earth magnets to competitors constituted an abuse of dominance in violation of China's Antimonopoly Law (AML).

Multi-jurisdiction guide for screening foreign investments

26 May 2021

The aim of this guide is not to substitute proper due diligence and specialized advice when conducting business, it will hopefully help the reader navigate the different FDI regimes. Particularly in this complex context and in view of the proliferation of new regimes, by explaining the key aspects of regimes including main issues to consider, thresholds and proceedings to take into consideration when investing in our globalized world.

Convergence in China's New Export Compliance Guidelines

19 May 2021

On 28 April 2021, China's Ministry of Commerce issued the *Guiding Opinions on Establishing the Internal Compliance Mechanism for Export Control by Exporters of Dual-use Items*, which provides a roadmap for upgrading existing compliance practices and adapting global programs to China's evolving export control regime.

Penalizing Resale Price Maintenance in China's Pharmaceutical Industry

30 April 2021

The State Administration of Market Regulation (SAMR) fined Yangtze River Pharmaceutical Group RMB764 million for engaging in resale price maintenance (RPM) in violation of China's Anti-Monopoly Law (AML). This reflects the SAMR's renewed prioritization of RPM enforcement and underscores the challenges to defending RPM practices under the AML.

China's Expanding Economic Sanctions Regime

31 March 2021

On March 22, 2021, the European Union (EU) and the governments of the US, Canada, and the UK concurrently imposed sanctions on

individual Chinese officials and a Chinese entity based on findings of human rights violations in Xinjiang.

China's Blocking Rules: New trade-compliance dilemmas for third-country companies

25 January 2021

The Blocking Rules respond to the increased use of "secondary" economic sanctions and export controls by the US.

China's First Measures Under New Export Control Law Target Encryption Products

7 December 2020

China's new Export Control Law took effect on December 1, 2020. The next day, the Ministry of Commerce, together with the State Cryptography Administration and the General Administration of Customs, released a circular that includes the first list of products and technologies focusing on commercial encryption products and technologies.

China's New Export Control Law

19 October 2020

On October 17, 2020, the Standing Committee of China's National People's Congress passed the Export Control Law (the ECL), which will take effect on December 1, 2020. The ECL establishes China's first comprehensive framework for restricting exports of military and dual-use products and technology for national security and public policy reasons.

China's Unreliable Entity List Provisions: Fighting Fire with Fire?

22 September 2020

On September 19, 2020, China's Ministry of Commerce issued the Provisions on the Unreliable Entity List (the "UEL Provisions"). The UEL Provisions establish formal mechanisms for sanctioning specific foreign entities and individuals for conduct inconsistent with the Chinese government's core interests and policies.

Coronavirus COVID-19 and the extension of the Consortia Block Exemption Regulation

30 March 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

The European Commission has decided to prolong the block exemption for liner shipping consortia.

In line with its proposal, the Commission announced on Tuesday 24 March a second extension of Regulation 906/2009, known as the Consortia Block Exemption Regulation (CBER),¹ until 25 April 2024.²

We have provided further details and some hints as to how this will play out in the current coronavirus COVID-19 crisis.

Preventive Medicine: Official "Antimonopoly Compliance Guidelines for Business Operators" in China

10 December 2019

On 28 November 2019, the State Administration of Market Regulation (SAMR) released for public comment draft "Anti-Monopoly Compliance Guidelines for Operators" (the "Draft Guidelines"). These non-binding guidelines recommend measures for "business

operators” subject to the Antimonopoly Law (AML) to develop and implement antitrust compliance programmes. The Draft Guidelines integrate prevailing best practices for international compliance programmes, while reflecting the unique challenges of antitrust risk management in China.

Singapore - Global bribery offenses guide

4 December 2019

- “China Competition Law Update,” China Law & Practice (bimonthly column, 2014-2018)
- Competition Laws Outside the US, ABA Treatise, China Chapter

Events

Previous

FDI screening rules and EU/China Comprehensive Agreement on Investment

17 March 2021
Webinar

- “ABAC & Antitrust: Southeast Asia”, ACI’s “APAC & Latin America Regulatory And Enforcement Update”, Washington, D.C., December, 2019
- “Bribery, Corruption & Money Laundering, Oh My!: Strategies for Mitigating Risk through Diligence, Negotiation & Integration,” ABA, “Asia-Pacific Forum: Navigating the Life Cycle of a Cross-Border Deal”, Hong Kong, October 2019
- “A Life Sciences Roadmap to Legal and Compliance in China: The Most Misunderstood Anti-Bribery, Trade, Blocking Statue, Data Security, Privacy, and Antitrust Requirements” ACI’s “Advanced Forum on FCPA & Anti-Corruption for the Life Sciences Industry”, New York June 2019
- “Malaysia Government Anti-Corruption Updates: Understanding What is on the forefront for Anti-Corruption Compliance for Organizations Conducting Business In Malaysia”, ACI “7th Asia-Pacific Summit on Anti-Corruption Compliance and Risk Management” Conference, Singapore October 2018
- “Gifts, entertainment and sponsorship”, ACI “6th Asia-Pacific Summit on Anti-Corruption Compliance and Risk Management” Conference, Singapore, October 2017
- “The Anatomy of a Corruption Investigation in China”, ACI’s “11th Advanced Forum on FCPA & Anti-Corruption in the Life Sciences Industry, New York, June 2017

NEWS

DLA Piper advises Hinduja Global Solutions on USD1.2 billion sale of its healthcare business

11 August 2021

DLA Piper is advising Hinduja Global Solutions Limited (HGS) on the sale of its healthcare solutions business to Baring Private Equity Asia, in a transaction valued at USD1.2 billion subject to closing adjustments.

