

Doing Business in the Asia Pacific Region



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The World's Finest Law Firms

International Society of Primerus Law Firms

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Doing Business In Asia Pacific Region



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Primerus is an international society of top-rated, independent boutique law firms. When we formed Primerus in 1992, we set out to restore honor and dignity to the legal profession and to help rebuild the public's trust in lawyers and the judicial system by setting these high standards. Twenty years later, our commitment to these values remains strong and our clients notice the difference in who we are and how we work.

Primerus seeks out, screens and audits our firms to make sure we have only the finest. We use all the ratings services available to us, including Martindale Hubbell, Best Lawyers, Chambers and Legal 500, to ensure the law firms we invite to join Primerus are the best in the world. And that is just the beginning. We then conduct a more extensive investigation of the firm, including attorney backgrounds, references and malpractice history checks. An independent accreditation board has the last word on admission and retention of members, resulting in a high quality standard that's applied universally to all members. Another board oversees quality assurance to more specifically define the high standards embodied within the Six Pillars and to help firms live by those standards in everyday practice. We're confident our strict guidelines ensure Primerus law firms are the world's finest. In fact, The Wall Street Journal has compared Primerus to the "Good Housekeeping Seal of Approval" for law firms.

We search the world for the best law firms so you don't have to. But our work doesn't end there. We bring these firms together into a close-knit society to work together for you. Located in over 40 countries around the world and in 42 U.S. States, with more joining every day, our firms are poised to serve as your global legal team, working together to meet your needs seamlessly and efficiently. The combined resources and expertise of this global team is never more than a phone call away.

The following guide is intended to be a helpful tool for clients and companies who are exploring, plan on, or currently provide legal services in the Asia Pacific region. Assembled by some of the world's finest law firms, this guide will prove valuable in addressing many frequently asked questions within the region.



Carroll & O'Dea is a full service Australian law firm with offices in Sydney, Canberra, Newcastle, Wollongong, Parramatta and shared office facilities in other major Australian state capitals.

The firm's 65 plus lawyers provide legal services of the highest quality and with the utmost integrity. The firm has done so for over 115 years.

Above all, Carroll & O'Dea seeks to provide practical solutions for their clients in all areas of practice.

Their talented team of lawyers include accredited specialists in business law, property law, employment law, commercial litigation and personal injury law.

They advise businesses, not-for-profit groups and individuals across a broad range of areas:

Business law (domestic and cross border).

- Not-for-profit issues.
- Property law.
- Consumer and compensation law including medical and other negligence and product liability.
- Estate planning law (wills and probate including disputes).
- Immigration law.
- Employment and industrial law.
- Commercial dispute resolution.

Whatever work you give them, they will complete it to a uniformly high standard. They will favour simple solutions and give you practical advice.



Practice Areas:

Administrative	Employment	Occupational Safety and Health
Agency and Distributorships	Equipment Finance and Leasing	Partnership
Alcoholic Beverage	Establish Business	Patents
Alternative Dispute Resolution	European Company	Personal Injury
Asbestos Litigation	Franchises and Franchising	Private Client
Asset Protection	Guardianship and Conservatorship	Probate
Business	Housing	Product Liability
Car Accident	Immigration	Professional Liability
Civil	Insurance	Property
Collections	Intellectual Property	Railroad Accident
Commercial	Investment	Real Estate
Commercial Litigation Law	Labor and Employment	Religious Institutions
Commercial Real Estate	Leases and Leasing	Tax
Computers and Software	Legal Ethics and Professional Responsibility	Technology and Science
Construction	Legal Malpractice	Torts
Consumer	Legionnaires Disease	Trademarks
Contracts	Libel, Slander and Defamation	Train Accidents
Copyright	Litigation	Traumatic Brain Injury
Corporate and Transactional	Medical Malpractice	Trusts and Estates
Corporate	Mortgage	Wills
Debtor and Creditor	Negligence	Workers Compensation
Elder	Nonprofit and Charitable Organizations	Zoning, Planning and Land Use
Employee Benefits		

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HHG Legal Group is one of the fastest growing law firms in Western Australia assisting businesses, government and private clients.

With our large team of lawyers we provide best practice legal advice to resolve your issue and offer representation exceeding normal expectations. When you need a lawyer to provide proactive quality advice and documentation, we will deliver no matter how big or small the task. We are one of the few law firms in Western Australia accredited to train other lawyers by the WA Legal Practice Board.

Firm Vision

At HHG Legal Group, we are inspired by a single vision:

To deliver solutions of maximum value to our clients through strong relationships and the connection of talent and experience.

Firm Values

We realize our vision by adhering to six core values that are summarised by the phrase 'HHG Core Culture'.

It's a phrase that indicates that we are a team of talented, committed individuals who believe in the value of personal relationships and who are connected to each other and to the marketplace to provide our clients with insightful and commercially valuable solutions.

Our six key values that define us as an organization and guide our behaviour and growth are:

- **Teamwork.** We are committed to establishing and maintaining collaborative, supportive teams with our colleagues and clients. We also encourage personal responsibility and accountability.
- **Client focus.** We value our client relationships. We listen to our clients and respond to their needs with energy, enthusiasm and efficiency. We focus on solutions that create value for our clients and always go the extra mile for them.
- **Respect.** We are committed to building and maintaining an environment in which we respect each other, in terms of talents, personal qualities and differences. We appreciate diversity in thinking and share what we know.
- **Integrity.** We inspire trust as legal advisors. We deliver on our promises. We also maintain the highest possible ethical standards.
- **Continuous improvement.** We believe in continuous learning. We embrace change and reward goal-oriented effort and achievement. And we coach each individual to enhance his or her ability to contribute.
- **Fun.** We enjoy what we do.



Practice Areas:

- Alternative Dispute Resolution
- Business
- Commercial
- Commercial Litigation Law
- Construction
- Corporate
- Education
- Family
- Labor and Employment
- Litigation
- Property
- Tax
- Trusts and Estates
- Wills

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Mullins Lawyers is a proud and independent Queensland-based commercial law firm with 95 staff including 18 partners.

Since our inception in 1980 (when we were founded by Patrick J Mullins OAM) we have established ourselves as a well-respected law firm that has seen strong growth over the last 10 years. We are now one of the largest non-national firms in Brisbane.

We continue to thrive due to strong leadership, excellent lawyers and a winning culture. The key to our success is we deliver a superior service and build long-term relationships with our clients. We have a reputation of getting the job done and for acting with honesty and integrity.

Values

Our values are the ideals we abide by and are what we believe set us apart from other firms. They are the foundation of how we do business. We are committed to these values.

Our people

Our firm is our people. It is about attracting and retaining good people. We seek to inspire loyalty by valuing our people and treating them well.

Our clients

We care about our clients. Our goal is to develop long-term relationships through the delivery of quality legal advice and outstanding personal service.

Honesty and integrity

We act honourably. Our firm was founded on a cornerstone of integrity and decency. This is central to how we relate to our clients, each other, and other parties.

Business of law

We develop our business with good management, vision and innovation. We succeed by focusing on our people and our clients.

Professional responsibility

We have a sworn obligation to uphold the standards of the profession as officers of the Court. We take this responsibility very seriously.



Practice Areas:

Banking and finance
Building and construction
Business structuring and trusts
Commercial dispute resolution
Compulsory Acquisition
Corporate and business advisory
Employment and safety
Estate disputes and litigation
Intellectual property and IT
Insolvency - corporate and personal
Insurance litigation
Liquor and gaming
Mergers and acquisitions
Migration law
Personal injuries
Planning and environment
Private client services
Property law
Wills and estate planning

Industries:

Building and Construction
Church and charities
Clubs
Education
Events
Family business
Financial services
Franchising and distribution
Hotels, tourism and accommodation
Insurance sector
Private equity
Property sector
Sports law
Retirement Villages

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1. Website for Company Registry search.

www.asic.gov.au

2. Website for Foreign Investment related.

www.firb.gov.au

3. Website for IP related search.

Trademark – www.ipaustralia.gov.au

Patent – www.ipaustralia.gov.au

Copyright – N/A

Industrial Designs – www.ipaustralia.gov.au

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Yes

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

Yes. Companies registered outside Australia must also obtain an Australian Resident Body Number if they carry on business in Australia

6. Is there any local convention of signing of contracts?

Except for deeds, parties can agree on means of execution. There are presumptions a local company is bound if certain forms of execution clause are duly completed

7. Any requirement of notorisation / legalisation of contracts?

Notorisation not applicable. Certain dealings relating to land and securities require registration.

8. Sectors where no foreign investment can be made?

Residential property (other than newly developed). Approvals may be required depending upon the amount and sector. More difficult in media, telecommunications, transport, HR, military and military technology, security, uranium and plutonium sectors.

9. Sectors where there is a cap on foreign investment?

Not applicable but Treasurer may reject or impose conditions on any foreign investment proposals which are against Australia's national interest - see Foreign Acquisitions and Takeovers Act 1975. There are thresholds in other sectors under which approval may not be required.

10. What are the rates of tax?

Corporate Tax Rate –

resident – 30%

non resident – 30% see <http://www.austrade.gov.au/Invest/Doing-business-in-Australia/Investor-Guide/Running-a-business/Understanding-Australian-taxes/Australian-business-taxes>

On Dividend –

resident – 30% for company, various for individuals. Franking credits for tax paid available if applicable

non resident – Franked amount of dividends exempt from Australian income and withholding taxes.

Unfranked dividends - if conduit foreign income: not assessable income and is exempt from withholding tax. Otherwise subject to withholding tax deducted at 30% (or 15% if shareholder resident in country with agreement with Australia).

On Royalty –

resident – 30% for company, various for individuals

non resident – Similar treatment as unfranked dividends above (subject to withholding tax).

On sale of shares in local Company –

resident – Capital gains treated as income and subject to tax at applicable income rate (30% for company, various for individuals). Capital gains discount available if shares held >1 year. Capital losses may offset future capital gains

non resident – Capital gains treated as ordinary income and subject to tax at applicable income rate (30% for company, various for individuals). Capital gains discount may not be available.

11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – Yes

Patent Cooperation Treaty – Yes

Madrid Protocol – Trademark – Yes

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

Space does not permit these to be listed here.

13. Are Foreign Arbitration Awards enforceable?

Yes with other countries with reciprocal arrangements, as listed under the applicable conventions.

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – 1927 - No. 1961 - No.

New York Convention – Yes - see http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/NYConvention_status.html

Hengtai Law Offices was founded in 1998 and is renowned for its professionalism and down-to-earth style of work.

Hengtai Law Offices was listed as one of the Prominent General Practice Law Firms in Shanghai by “China Business Law Journal” in 2010. Hengtai Law Offices’ security business ranked top 20 in 2009 and 2010 consecutively, according to “Lawfirm50”. In 2011, Hengtai Law Offices was nominated Firm of the Year in Real Estate & Construction-China. Hengtai Law Offices has also been rated as an advanced law firm many times by Pudong Justice Bureau of Shanghai.

Objective

Hengtai Law Offices pursues the goal to strive for and ensure the maximization of client interests. Based on the good communication with clients and in-depth understanding of their business needs and background, the firm is committed to providing clients with pragmatic and constructive solutions to legal issues, in a bid to help them achieve business pursuits.

Team

Hengtai Law Offices now has nearly 40 lawyers and paralegals, and most of them have masters degrees. Some lawyers used to study abroad or serve in judicial authorities. Through handling of a host of contentious and non-contentious cases, the firm’s lawyers have accumulated rich experience and are reliable in handling and solving complex legal affairs.

Qualifications

Apart from the qualifications that are necessary in general, Hengtai Law Offices also has the securities business license jointly issued by China Securities Regulatory Commission and the Ministry of Justice of China as well as the Foreign-invested Project Consulting and Agency Qualification granted by Shanghai Foreign Investment Commission.

Trans-disciplinary services

Hengtai Law Offices aims to cater for clients' different needs rapidly and effectively. In addition to the qualifications in the legal profession, the firm's lawyers also have academic degrees and qualifications in the specialties of communications, medicine, chemical industry, business administration and foreign languages. To meet the needs of dealing with a variety of complex and professional transactions, the firm has set up teams specializing in financial securities, corporate affairs/foreign investment, real estate/project construction, intellectual property, labor and lawsuit arbitration, etc., according to the expertise of each lawyer. Meanwhile, the needs of clients have further boosted the cooperation between these teams.

Integrated service

The development of Hengtai Law Offices is attributed to the dedication and collaboration of all lawyers and executives. The firm has always been in pursuit of the consistency in practice, staff stability and the sharing of vision, experience, expertise and resources. Clients can contact the firm's lawyers and receive their integrated services anywhere and anytime.

Fee policy

Fully aware of the importance of fee policy for clients, Hengtai Law Offices pays high regard to their clients' interests and always provide clients with flexible and reasonable price policy and fee payment mode. In the meantime, they are striving to build a first-class professional database, a reasonable mechanism for teamwork and division of responsibilities, and an effective approach to communicate with clients, so as to reduce their service costs.



Practice Areas:

Alternative Dispute Resolution
Arbitration Law
Banking
Bankruptcy
Civil
Civil Litigation Law
Commercial
Commercial Litigation Law
Construction
Criminal
Finance
Foreign Investment Law
Franchises and Franchising

Insurance
Intellectual Property
International Arbitration
International Banking Law
International Bankruptcy Law
International Construction Law
International Employment Contracts Law
International Finance Law
International Intellectual Property Law
International Labor Law
International Litigation Law
International Mergers and Acquisitions Law

International Real Estate Law
International Trade
Investment
Labor and Employment
Labor Law
Liquidations Law
Litigation
M&A
Real Estate
Torts

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HJM Asia Law & Co LLC is a boutique law firm in Asia with more than 15 years of legal experience. HJM Asia Law combines an in-depth knowledge of Asian legal systems with the expertise, client service, and efficiency of a Western business operation.

The law firm has full time dedicated and competent teams based in China and Singapore. In addition to their in-house team, they have over the years formed strategic alliances with various international law firms and have built and maintained good relationships with Chinese authorities.

Professionalism

HJM Asia Law believes in hiring the best qualified people to provide prompt and excellent services to their clients. Before accepting a mandate, they make sure they understand the structure and corporate objectives that their clients have in mind for both the short and long term. The success of their clients is also the firm's success.

Dedication

HJM Asia Law works hand-in-hand with their clients to provide a tailored service for each mandate. Each of their employees is fully dedicated to his assigned clients and keeps them up-to-date on the status of their respective projects anywhere in Asia, while at the same time pro-actively protecting their clients' interests. The firm values honesty and trust, and strongly believes that this is the foundation for a good and dedicated relationship between their clients and themselves.

Diversity

The firm recruits staff with distinct career experiences in order to provide their clients with extensive exposure to various perspectives of Asia, more specifically, the Chinese culture, business mindset and philosophies. By bringing together a commercially and legally diverse team, they are able to develop innovative and business savvy ideas for their clients.

Communication

HJM Asia Law believes in communication, thus they take time to engage in detailed discussions with their partners, clients and colleagues in order to clearly understand their goals, interests and strategies.



Practice Areas:

Business Immigration
Business
Business Torts Law
Commercial Fraud Law
Commercial
Compliance
Copyright
Corporate
Employment

Environmental
Government Contracts
Health Care
Intellectual Property
International Arbitration
International Government Contracts
Law
International Trade
Labor and Employment

Labor
Litigation
M&A
Partnership
Patents
Trademarks
Trusts and Estates
Unfair Competition

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**1. Website for Company Registry search.**

website of local counterpart of China Administration of Industry and Commerce,
Shanghai website: <https://www.sgs.gov.cn/shaic/>

2. Website for Foreign Investment related.

You could have a general overview regarding laws of foreign investment on Ministry of Commerce's website (www.mofcom.gov.cn), and have a detailed understanding regarding local policy on website of local counterpart of MOFCOM, Shanghai website: <http://www.scofcom.gov.cn/en/index.htm>

3. Website for IP related search.

Trademark – <http://sbex.saic.gov.cn/trssearch-e/>

Patent – http://cpquery.sipo.gov.cn/index.jsp?language=en_US

Copyright – http://www.ccopyright.com.cn/cpcc/index_en.jsp

Industrial Designs – http://cpquery.sipo.gov.cn/index.jsp?language=en_US

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Yes

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

No

6. Is there any local convention of signing of contracts?

The contract is normally chopped with company chop in addition to signature of legal/authorized representative of the company.

7. Any requirement of notorisation / legalisation of contracts?

No.

8. Sectors where no foreign investment can be made?

It is provided in Foreign Investment Industry Guide Catalogue 2011 version.

9. Sectors where there is a cap on foreign investment?

It is provided in Foreign Investment Industry Guide Catalogue 2011 version, such as Telecom, insurance, fund, securities industry.

10. What are the rates of tax?

Corporate Tax Rate – Enterprise income tax: 25%

On Dividend – normally 10% for foreign investor.

On Royalty – withholding enterprise income tax: normally 10% and business tax: 5%

On sale of shares in local Company – 25% of the profit for enterprise investor and 20% for individual investor



11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – Yes

Patent Cooperation Treaty – Yes

Madrid Protocol – Trademark – Yes

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

13. Are Foreign Arbitration Awards enforceable?

Yes. China is a signatory of New York Convention.

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – No

New York Convention – Yes



ONC Lawyers is a professional and dynamic legal practice based in Hong Kong.

They were established in 1992 and have been growing continuously since then and have now become one of the largest local law firms with more than 100 members of legally-qualified and supporting staff. The major areas of practice of their lawyers include banking & finance, capital market, China attesting services, China practice, construction & arbitration, corporate & commercial, criminal litigation, employment, family & matrimonial, immigration, insolvency & restructuring, insurance & personal injury, intellectual property & technology, litigation & dispute resolution, notary public services, property, securities, futures & funds, shipping & logistics, trust, and wills & probate.

The firm takes pride in their highly motivated and dedicated team of legal professionals. They are poised to provide efficient commercial or personal legal services at a reasonable cost. Many of their senior solicitors have over 15 years of post-qualification experience and hold a doctorate or master degree in law and other qualifications. All newly-qualified solicitors are required to undergo solid in-house training in their early years of practice. In this way, the firm is able to assure clients of the highest standards of advice and services.

ONC Lawyers was formerly known as Or, Ng & Chan (prior to 1st May 2008), whilst their Chinese name 柯伍陳律師事務所 has remained unchanged.



Practice Areas:

Administrative	Employment	Personal Injury
Admiralty	Family	Privacy
Alternative Dispute Resolution	Finance	Private Client Law
Banking	Immigration	Private Equity Law
Bankruptcy	Insolvency Law	Probate
Business	Insurance	Property
Civil Rights	Intellectual Property	Real Estate
Commercial	International Litigation Law	Securities
Construction	International Shipping Law	Shipping Law
Conveyancing Law	Investment	Transportation
Corporate Finance Law	Joint Ventures Law	Trusts and Estates
Corporate	Litigation	Wealth Planning Law
Criminal	M&A	Wills
Discrimination Law	Maritime	

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1. Website for Company Registry search.

<http://www.icris.cr.gov.hk/csci/>

2. Website for Foreign Investment related.

InvestHK: <http://www.investhk.gov.hk/index.html> / Hong Kong Trade Development Council:
<http://www.hktdc.com>

3. Website for IP related search.

Trademark – <http://ipsearch.ipd.gov.hk/index.html>

Patent – <http://ipsearch.ipd.gov.hk/index.html>

Copyright – No copyright registration system in Hong Kong

Industrial Designs – <http://ipsearch.ipd.gov.hk/index.html> (under “Registered Design”)

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Yes. According to the Companies (Disclosure of Company Name and Liability Status) Regulation (Cap. 622B), a company incorporated in Hong Kong must state its registered name in all communication documents and transaction instruments of the company.

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

There is no such requirement set out in the Companies Ordinance (Cap. 622) (“CO”). Yet, to avoid any dispute to the identity of the Company, it is prudent practice to incorporate the corporate identity number in contracts.

6. Is there any local convention of signing of contracts?

S.127 of CO provides that, where a company sign a document under seal, it may affix its seal on the document in accordance with its Articles of Association. Alternatively, it may sign a deed by having it expressed to be executed and delivered as a deed (s. 128 of CO). Further, in relation to the execution of documents and deeds: for company with sole director, it will be signed by the sole director; whereas company has 2 or more directors, it will be signed by 2 directors or any 2 of them; or signed by 1 director and company secretary (s.127(3) of CO).

7. Any requirement of notorisation / legalisation of contracts?

No.

8. Sectors where no foreign investment can be made?

Generally no. But there are some business sectors where foreign investment conditions are in place, such as: banking, civil aviation, television broadcasting and sound broadcasting.

9. Sectors where there is a cap on foreign investment?

No

10. What are the rates of tax?

Corporate Tax Rate –

resident

Profits tax rate is: 16.50% for corporations; 15% for unincorporated businesses
(see: http://www.ird.gov.hk/eng/tax/bus_pft.htm#a10)

non resident

Profits tax rate is: 16.50% for corporations; 15% for unincorporated businesses (so long as it carries on a trade, profession or business in Hong Kong and has profits arising in or derived from Hong Kong from such trade, profession or business)

On Dividend –

resident

Not applicable. Dividends received are excluded from the assessable profits. (see: http://www.ird.gov.hk/eng/tax/bus_pft.htm#a05) (Remarks: For those countries / territories with a Comprehensive Double Taxation Agreement / Arrangement with Hong Kong that can charge a Hong Kong resident on payments of dividends, see: http://www.ird.gov.hk/eng/tax/dta_rates.htm)

non resident

Not applicable. Dividends received are excluded from the assessable profits.

On Royalty –

resident

Not applicable. Yet, royalty income received chargeable to Profits Tax. (Remarks: For those countries / territories with a Comprehensive Double Taxation Agreement / Arrangement with Hong Kong that can charge a Hong Kong resident on payments of royalties, see: http://www.ird.gov.hk/eng/tax/dta_rates.htm)

non resident

Not applicable. Yet, royalty income received may be chargeable to Profits Tax. (see: Q7 of http://www.ird.gov.hk/eng/pdf/e_faqciohk.pdf)

On sale of shares in local Company –

resident

Contract Note for sale or purchase of any Hong Kong stock: 0.1% of the amount of the consideration or of its value on every sold note and every bought note; Transfer operating as a voluntary disposition inter vivos: HKD5 + 0.2% of the value of the stock. (see: http://www.gov.hk/en/residents/taxes/stamp/stamp_duty_rates.htm)

non resident

Contract Note for sale or purchase of any Hong Kong stock: 0.1% of the amount of the consideration or of its value on every sold note and every bought note; Transfer operating as a voluntary disposition inter vivos: HKD5 + 0.2% of the value of the stock.

11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – Yes (http://www.wipo.int/treaties/en/notifications/berne/treaty_berne_186.html)

Patent Cooperation Treaty – Yes (http://www.wipo.int/treaties/en/notifications/pct/treaty_pct_34.html)

Madrid Protocol – Trademark – No (http://www.wipo.int/export/sites/www/treaties/en/documents/pdf/madrid_marks.pdf)

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

The Hong Kong Law and Hong Kong Courts generally protect contract enforcement. In the event that the agreement is neither governed by the Hong Kong law nor subject to the jurisdiction of the Hong Kong Court, it is advisable to insert an arbitration clause for arbitration in any country which is a party to the New York Convention to ensure that the same can be enforced in Hong Kong.

13. Are Foreign Arbitration Awards enforceable?

Yes, an arbitral award made by another country, which is a party to the New York Convention, is enforceable in Hong Kong. For non-convention awards, they may be enforced in Hong Kong with leave of the court under the Arbitration Ordinance. For PRC awards, they are enforceable under the “Arrangement Concerning Mutual Enforcement of Arbitral Awards between Mainland China and the Hong Kong Special Administrative Region”. For Macao awards, they are also enforceable under the “Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards Between the Hong Kong Special Administrative Region and the Macao Special Administrative Region”.

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – 1927 - No. 1961 - No.

New York Convention – Yes - see http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/NYConvention_status.html

Born out of Bangalore's oldest and largest law offices, JustLaw is a multifaceted and dynamic law firm serving clients across the board in diverse areas of law. With a team of accomplished lawyers in the state and a network across the country, we have a steady finger on the pulse of today, backed by a history of four generations of practice and expertise.

JUSTLAW strives to give its clients comprehensive and effective legal solutions, with its team of professionals having a strong foundation in the practice of law and the will and competence to adapt to the demands of its clients.

Resources at JUSTLAW

JUSTLAW is equipped with a state of the art library and also electronic resources. An exhaustive collection of latest legal research material and data on current Indian and foreign publications in all fields of law is available. The offices of JUSTLAW are fully equipped with competent personnel and also conference and arbitration facilities.

Partners & Associates

JUSTLAW functions with a team of accomplished and qualified professionals committed to delivering comprehensive legal solutions to their clients, armed with a keen sense of responsibility to society and to the principles of law. Collectively a versatile team, individually, they are experts in their chosen area of specialization.

Clients

JUSTLAW clientele is as varied as its services. It includes Multinational Corporations Indian Statutory and Government Authorities, Public Sector Undertakings, Boards and Companies, Nationalized and Private Banks and Financial Institutions, Religious and Charitable Institutions, Hospitality, Insurance, Infrastructure, Leading Indian business houses across industries.

Practice Areas:

Constitutional & Administrative law
Indirect and Direct Taxation
Company Law
Cyber Law
Foreign Exchange Regulation & Management
Electricity, Mining & Infrastructure Development
Alternative Dispute Resolution - Arbitration, Conciliation and Mediation
Civil, Commercial and Corporate Litigation

Banking & Finance
Insurance Law
Real Estate
Consumer Protection and related Law
Venture Capital Funding & Private Equity
Intellectual Property Laws
Media Law
Family Laws

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S Eshwar Consultants takes pride in the fact that they have the proven expertise in providing quality and timely solutions to Enterprises Worldwide.

Business and Law are inseparable twins. The firm partners with the Enterprise, and provides customized solutions based on its needs. Their Services are so designed that the Entrepreneur focuses on the core activity of adding value to the Enterprise, and the legal team at S Eshwar Consultants takes care of its Legal matters.

S Eshwar Consultants derives their strength from their strong research oriented approach, setting up processes in servicing backed with maximum use of modern technology, as they march ahead in providing their Services.

Their Partnership approach has paid them rich dividends as they have grown with their Clients, which is due to the following factors:

- They have the necessary experience, expertise and the ability as they devote themselves to the assignments entrusted to them.
- They believe that “God is in the details” and above all they want a reputation for doing the little things well.
- They understand the Corporate Personality well, whether it be tough, demanding, honest, result-oriented, self- critical or even a little paranoid.

S Eshwar Consultants offers a variety of Services which encompass a range of activities from Formation of Companies, Compliance Management, Mergers & Acquisitions, Business Reorganisation and Reconstruction and Winding-up to Administration and Liquidation.



Practice Areas:

Agency and Distributorships
Alternative Dispute Resolution
Banking
Bankruptcy
Business
Capital Markets Law
Contracts
Copyright
Corporate Governance Law
Corporate
Designs

Distribution Law
Domain Name Disputes
Foreign Exchange Law
Franchises and Franchising
Housing
Inheritance Law
Insider Trading Law
Intellectual Property
International Arbitration
International Investment Law
International

International Trade
Investment
Liquidations Law
M&A
Patents
Real Estate
Securities
Takeovers Law
Trademark
Wills

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Seth Dua & Associates (SDA) is a leading Indian law firm in New Delhi.

SDA believes that lawyers must not only understand the law but also the specific dynamics of the client's business. Therefore, the objective is to offer proactive rather than reactive services to the client.

SDA has a dedicated team of professionals specializing in various disciplines of law including corporate and commercial laws, taxation and dispute resolution. Their professional strength is derived from a unique combination of expertise in the relevant practice area and in-depth industry focus.

SDA's practice is largely structured around the following practice areas and industry focus:

- Arbitration and Litigation Services
- Banking and Finance
- Corporate, M&A and Foreign Direct Investment
- Competition Law
- Employment & Labour Law
- Environment and Climate Law
- Intellectual Property Law
- International Trade & WTO
- PPP, Procurement and Transaction (Bid) Advisory
- Tax Laws
- Aerospace, Aviation & Defense
- Automotive
- Infrastructure and Project Finance
- Energy & Natural Resources
- Real Estate & Hospitality
- Telecommunications, Media & Technology

As recognition of their domain knowledge and industry expertise, SDA was recently retained by the Ministry of Housing, Government of India to advise and assist in drafting the Real Estate (Regulation and Development) Bill 2012 which has been recently approved by the Union Cabinet of Ministers, Central Government of India and is now before the Parliament of India for approval to become a federal law.

Their work philosophy is centered on the virtues of collaboration. A continuous and uninterrupted zeal to set, establish and maintain global best practices underlines SDA's work ethos. They continuously aim to achieve their goals through sustained investment in managing information and sharing knowledge between their people and with their clients. By creating a congenial work culture in their office they enable their people to offer consistently high standards of client service and delivery.



Practice Areas:

Alternative Dispute Resolution
Antitrust and Trade Regulation
Aviation and Aerospace
Banking
Business
Capital Markets Law
Climate Change Law
Commercial
Competition Law
Construction
Copyright
Corporate
Education
Energy

Environmental
Family
Finance
Food, Pharmaceuticals and
Healthcare
Hospitality Law
Infrastructure Projects
Intellectual Property
International Arbitration
International Trade
Investment
Joint Ventures Law
Labor and Employment
Labor Law
M&A

Natural Resources
Patents
Pharmaceutical Patents Law
Private Equity Law
Public Procurement and
Privatization
Real Estate
Regulatory
Resorts and Leisure
Tax
Telecommunications, Media and
Technology
Trademarks
World Trade Organization

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1. Website for Company Registry search.

Ministry of Corporate Affairs: www.mca.gov.in

2. Website for Foreign Investment related.

Foreign Investment Promotion Board: www.fipbindia.com

Reserve Bank of India: www.rbi.org.in

Department of Industrial Policy & Promotion: www.dipp.gov.in

3. Website for IP related search.

Trademark – Ministry of Commerce & Industry: www.ipindia.nic.in

Patent – Ministry of Commerce & Industry: www.ipindia.nic.in

Copyright – Ministry of Human Resource Development: www.copyright.gov.in

Industrial Designs – Ministry of Commerce & Industry: www.ipindia.nic.in

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Yes

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

Not mandatory. Preferable to include.

6. Is there any local convention of signing of contracts?

None. However, the parties to a contract can mutually agree on a form of execution.

7. Any requirement of notarisation / legalisation of contracts?

No. Indian Contracts Act, 1872 governs the provisions of Contracts executed by and with Indian entities.

If the common seal of the company is affixed (not mandatory), it has to be authenticated in accordance with the articles of association.

8. Sectors where no foreign investment can be made?

Foreign Direct Investment (FDI) is prohibited in:

- (a) Lottery Business including Government/private lottery, online lotteries, etc.
- (b) Gambling and Betting including casinos etc.
- (c) Chit funds
- (d) Nidhi company
- (e) Trading in Transferable Development Rights (TDRs)
- (f) Real Estate Business or Construction of Farm Houses
- (g) Manufacturing of cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes
- (h) Activities/sectors not open to private sector investment e.g. Atomic Energy and Railway Transport (other than Mass Rapid Transport Systems).
- (i) Retail trading / e-commerce

9. Sectors where there is a cap on foreign investment?

Please note that majority of sectors under which 100% FDI is allowed with or without government approval. However, there are certain sectors where FDI is allowed up to a limit (with /without government approval) such as Defence (26%)(This limit is increased to 49% though formal notification is pending), Cable Networks (49%), FM Radio (26%), Print Media (26%), Air Transport/Passenger Airlines (49%), Ground Handling Services (74%), Satellites (74%), Private Security Services (49%), Multi Brand Retail Trade (51%), Banking (74%), Commodity Exchange (49%), Credit Information Companies (74%), Insurance (26%), Power Exchange (49%)

10. What are the rates of tax?

Corporate Tax Rate – 31% of Taxable Income (34% if taxable income exceeds INR 10 million)

On Dividend – 15.5% of dividend declared (17% if dividend declared exceeds INR 10 million)

On Royalty – Tax Deduction at Source 25% of Royalty paid under domestic law - reduced withholding rates available under Tax Treaties for eligible tax payers

On sale of shares in local Company – 20% for shares held for not less than one year, 31% for shares held for less than one year for residents. 10% for shares held for not less than one year and 40% for shares held for less than one year for non-residents

11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – Yes, India became signatory to Berne Convention on April 1, 1928.

Patent Cooperation Treaty – Yes, India became bound by the Patent Cooperation Treaty on December 7, 1998.

Madrid Protocol – Trademark – Yes, India became a party to the Madrid Protocol on July 08, 2013.

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

The JV Agreement/Shareholders Agreement should be made subject to Indian laws. The provisions of the Agreements should not be contrary to Indian laws (particularly with respect to provisions of Companies Act, 2013). The provisions of the said Agreements should be inserted in the Articles of Association of the JV company in India.

13. Are Foreign Arbitration Awards enforceable?

A foreign arbitral award is enforceable in India when on application to the Indian court is made within the territorial limits where the defendant resides or has his business or where the defendant's assets can be traced, and the court is satisfied that the foreign award is enforceable under chapter 1 of part II of the Arbitration and Conciliation Act, 1996. The grounds for opposing enforcement are the same as in the New York Convention.

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – Yes

New York Convention – Yes. India became party to the New York Convention on June 10, 1958 and ratified on July 13, 1961.



HJM Asia Law & Co LLC is a boutique law firm in Asia with more than 15 years of legal experience. HJM Asia Law combines an in-depth knowledge of Asian legal systems with the expertise, client service, and efficiency of a Western business operation.

The law firm has full time dedicated and competent teams based in China and Singapore. In addition to their in-house team, they have over the years formed strategic alliances with various international law firms and have built and maintained good relationships with Chinese authorities.

Professionalism

HJM Asia Law believes in hiring the best qualified people to provide prompt and excellent services to their clients. Before accepting a mandate, they make sure they understand the structure and corporate objectives that their clients have in mind for both the short and long term. The success of their clients is also the firm's success.

Dedication

HJM Asia Law works hand-in-hand with their clients to provide a tailored service for each mandate. Each of their employees is fully dedicated to his assigned clients and keeps them up-to-date on the status of their respective projects anywhere in Asia, while at the same time pro-actively protecting their clients' interests. The firm values honesty and trust, and strongly believes that this is the foundation for a good and dedicated relationship between their clients and themselves.

Diversity

The firm recruits staff with distinct career experiences in order to provide their clients with extensive exposure to various perspectives of Asia, more specifically, the Chinese culture, business mindset and philosophies. By bringing together a commercially and legally diverse team, they are able to develop innovative and business savvy ideas for their clients.

Communication

HJM Asia Law believes in communication, thus they take time to engage in detailed discussions with their partners, clients and colleagues in order to clearly understand their goals, interests and strategies.



Practice Areas:

Business Immigration
Business
Business Torts Law
Commercial Fraud Law
Commercial
Compliance
Copyright
Corporate
Employment

Environmental
Government Contracts
Health Care
Intellectual Property
International Arbitration
International Government Contracts
Law
International Trade
Labor and Employment

Labor
Litigation
M&A
Partnership
Patents
Trademarks
Trusts and Estates
Unfair Competition

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1. Website for Company Registry search.

www.bizfile.gov.sg

Companies can be searched there and the regulatory information are on acra.gov.sg

2. Website for Foreign Investment related.

There is not a single source for foreign investment as there is only few restrictions, but useful information can be sourced on the acra.gov.sg website or ministry of foreign affaires (mfa.gov.sg)

3. Website for IP related search.

Trademark – <http://tmsearch.ipos.gov.sg/eTMSearch/eSearchOption.jsp>

Patent – <https://www.ip2.sg/RPS/WP/CM/SearchSimpleP.aspx?SearchCategory=PT>

Copyright – N/A

Industrial Designs – <http://designsearch.ipos.gov.sg/eDSearch/Search.jsp>

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Yes

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

Yes - Amending the company name is easy (but traceable) and then it is advised to also input the company number

6. Is there any local convention of signing of contracts?

No but many companies do it the “Chinese” way in sealing the contract with the company common seal

7. Any requirement of notorisation / legalisation of contracts?

No. Except when the contract serves as evidence in another jurisdiction

8. Sectors where no foreign investment can be made?

There are restrictions in some sectors such as telecommunication, broadcasting, media, financial services, professional services, energy, real estate

9. Sectors where there is a cap on foreign investment?

See above. There is also a threshold when the foreign investor seek the approval of a Pass to live in Singapore

10. What are the rates of tax?

Corporate Tax Rate – 17%

On Dividend – N/A (single tier jurisdiction but withholding tax may apply in certain circumstances)

On Royalty – Depending on whether the payee is a company or an individual

On sale of shares in local Company – No capital gain tax



11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – Yes

Patent Cooperation Treaty – Yes

Madrid Protocol – Trademark – Yes

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

To make sure the agreement complies with local laws!

13. Are Foreign Arbitration Awards enforceable?

Yes

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – No

New York Convention – Yes

In response to the need for inter-dependency in today's increasingly globalized and economically integrated world, companies have been departmentalizing their internal operations and expanding their activities.

The recent changes in Korea's policies on companies based in the nation have made already complex business regulations even more burdensome with respect to compliance. Thus, many enterprises, big and small, require up-to-date legal assistance. Hanol Law Offices, the first boutique in the Republic of Korea specializing in corporate law, was founded on August 8, 1997 for the specific purpose of providing legal services consistent with the latest legal and business developments to the firm's clients.

As one of the nation's top quality law firms, Hanol Law Offices is committed to providing up-to-date counsel and effective services that can result in substantial savings for its clients, domestic or foreign. The firm is aware that every client is different – attorneys of the firm make sure to deliver a custom-tailored solution and successful results in a cost and time efficient manner to each one, even through the most complicated legal challenges.

Furthermore, as recognized by clients, Hanol Law Offices is known for its expertise in a broad spectrum of legal areas such as international trade and investment, corporate and administrative law. The firm's expertise and commitment have ensured a high rate of success in corporate and commercial law in such areas as joint ventures, licensing agreements, banking and securities, anti-dumping, tax litigation, antitrust, public finance, commercial arbitration, mergers and acquisitions, corporate reorganizations, and commercial real estate.

In today's global era, Hanol Law Offices has established a network across the world. The firm is committed to providing the best advice and legal services to every client it represents. Whether you are a multinational corporation operating in Korea or a small firm embroiled in a domestic business conflict headed for litigation, Hanol Law Offices is confident that it can provide you with the best advice, the correct blend of local legal services and foreign legal consultation with the aid of foreign law firms, if necessary, that are specialized in a wide range of practice areas through the firm's global network. Another point to be noted: Hanol Law Offices' strength lies not only in international business transactions but also with domestic litigation as well. Among the firm's diverse clientele, composed of both domestic and foreign companies, are financial institutions, public authorities and other corporate and individual clients. Additional areas of emphases include construction, labor, maritime, entertainment and telecommunications laws.

Hanol Law Offices has developed advanced technological resources for the firm's attorneys and staff in order to provide an unparalleled level of client service. All documents within the firm are recorded in an automated database system, and state-of-the-art technology in the firm's computer system allows prompt and thorough management of its clients. A result of Hanol Law Offices' commitment to providing the best client service, the firm's cutting-edge system, more advanced than that of any other law firm in Korea, avoids duplication of effort, enabling us to be one of the most effective and reliable law firms in Korea.

Since its establishment, Hanol Law Offices has provided clients with the best advice and advocacy at a level comparable to those of other large law firms. Each essential member of the firm, aggressive investment in high-technology, and active utilization of state-of-the-art systems have given us an edge over the competition. As the first boutique law firm, Hanol Law Offices has provided clients with legal services according to need, particularly in the areas of corporate and finance laws. Today, the firm has grown to be one of the most effective and reliable law firms in Korea, providing an unparalleled level of client service. Because of the firm's client-oriented approach, which has become the major advantage for Hanol Law Offices, many of the firm's new clients have been referred to them by other clients. Hanol Law Offices will continue to focus on providing the quality service you deserve.



Practice Areas:

Admiralty	Entertainment	Labor
Alternative Dispute Resolution	Finance	Litigation
Antitrust and Trade Regulation	Foreign Investment Law	M&A
Aviation and Aerospace	Insurance	Maritime
Bankruptcy	Intellectual Property	Natural Resources
Commercial	International Arbitration	Oil and Gas Law
Commercial Litigation Law	International Finance Law	Patents
Construction	International	Securities
Copyright	International Mergers and Acquisitions Law	Sports
Corporate Contracts Law	International Securities Law	Tax
Corporate	International Trade	Trademarks
Corporate Reorganization Law	Investment	
Employment	Labor and Employment	

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1. Website for Company Registry search.

<http://www.iros.go.kr/>

2. Website for Foreign Investment related.

<http://english.kotra.or.kr/> AND www.investkorea.org/

3. Website for IP related search.

Trademark – <http://eng.kipris.or.kr/>

Patent – <http://eng.kipris.or.kr/>

Copyright – <http://eng.kipris.or.kr/>

Industrial Designs – <http://eng.kipris.or.kr/>

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Yes, in case a party needs to cross-check with the corporate registry.

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

No, inserting the name and principal office address of the corporate entity will suffice.

6. Is there any local convention of signing of contracts?

Contracts must be executed by persons with proper authority. In Korea, using a seal (referred to as a “dojang”) is acceptable for signing.

7. Any requirement of notarisation / legalisation of contracts?

Generally, no. In some cases, however, certain legal documents need to be notarized/legalized by a foreign party in order to be accepted by the relevant government authorities. (e.g., incorporation documents of a foreign entity who is not a signatory to the Hague Convention).

8. Sectors where no foreign investment can be made?

<http://oneclick.law.go.kr/CSM/CefMain.laf?csmSeq=503>

9. Sectors where there is a cap on foreign investment?

<http://oneclick.law.go.kr/CSM/CefMain.laf?csmSeq=503>

10. What are the rates of tax?

*The below rates are only local tax rates. The actual tax rate for foreigners will be determined by the relevant tax treaty which will prevail over local tax law.

Corporate Tax Rate –

6%: for less than KRW 12 million tax base

15%: KRW 12 million ~ KRW 46 million tax base

24%: KRW 46 million ~ KRW 88 million tax base

35%: KRW 88 million ~ KRW 150 million tax base

38%: more than KRW 150 million tax base

On Dividend – 15.4% (Income Tax: 14%; Residence Tax: 1.4%)

On Royalty – 10% Withholding Tax

On sale of shares in local Company –

10% for small and medium-sized enterprises

20% for a minority shareholder of a conglomerate

20% for a major shareholder of a conglomerate holding shares for 1 year or longer

30% for a major shareholder of a conglomerate holding shares for less than 1 year

11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – Yes

Patent Cooperation Treaty – Yes

Madrid Protocol – Trademark – Yes

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

All JV/Shareholder Agreements are governed by the Korean Commercial Code which allows protection for the shareholder. Therefore, there is no need for additional safeguards to be taken.

13. Are Foreign Arbitration Awards enforceable?

Yes

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – Yes

New York Convention – Yes



Formosan Brothers Attorneys-at-Law was founded in 1997 by Mr. Dah-In Yeh, Mr. James C. C. Ku, Mr. Peter C. Chen, and Mr. Chih-Poung Liou on the basis of their long-term collaborations and similar visions.

An extension of the firm's services, the Formosan Brothers Patent & Trademark Department, was established in 2003, under the request of the firm's clients based on their satisfaction of Formosan Brothers' work in other areas of the law. With the objective of advancing legal governance and serving societal needs, the Formosan Brothers Foundation was set up in 2007 to expand legal resources in Taiwan by offering research opportunities and fellowships.

Under the leadership of the firm's founding partners, Formosan Brothers' is proud to have successfully developed a team of legal professionals whose high-quality legal services and dedication to client needs have won acclaim broadly.

Armed with legal expertise and business sense, Formosan Brothers' goal is to stand on the forefront of the evolving environment and to continue providing creative and innovative legal solutions for their clients.

Formosan Brothers is represented by a logo consisting of the square quadruple U symbol, which stands for: Ultimate, Unique, United, and Universal. The logo symbolizes four people sitting together back to back and side by side, representing unity. Unity is central to the firm: Formosan Brothers' believes in building a support network to guide our associates in their professional development, and this philosophy has helped the firm attract outstanding legal talents who help building the resourceful and award-winning firm that he or she is today.



Practice Areas:

Administrative	Corporate	International Trade
Admiralty	Criminal	Investment
Alternative Dispute Resolution	Employment	Labor and Employment
Antitrust and Trade Regulation	Environmental	Labor
Arbitration Law	Family	Litigation
Aviation and Aerospace	Finance	M&A
Banking	Foreign Investment Law	Maritime
Bankruptcy	Infrastructure Development Law	Patents
Business	Insurance	Product Liability
Civil Practice	Intellectual Property	Public Finance
Commercial	International Arbitration	Real Estate
Construction	International Banking Law	Securities
Consumer	International Finance Law	Tax
Contracts	International Mergers and Acquisitions Law	

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1. Website for Company Registry search.

Yes

2. Website for Foreign Investment related.

Yes

3. Website for IP related search.

Trademark – Yes

Patent – Yes

Copyright – Yes

Industrial Designs – Yes

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Not statutorily required, but strongly recommended

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

Not statutorily required, but strongly recommended

6. Is there any local convention of signing of contracts?

No

7. Any requirement of notorisation / legalisation of contracts?

No

8. Sectors where no foreign investment can be made?

Yes. Please refer to Negative List for Investment by Overseas Chinese and Foreign Nationals (available online)

9. Sectors where there is a cap on foreign investment?

Generally speaking, there is no cap on foreign investment. However, any investment made by foreign nationals need to obtain the approval of the Investment Commission in Taiwan.

10. What are the rates of tax?

Corporate Tax Rate – Corporate income tax is 17%. A 10% surtax is imposed on undistributed profits.

Exceptions and exemptions apply.

On Dividend – No withholding tax is imposed on dividends paid to a resident shareholder. 20% withholding tax is imposed on dividends paid to a non-resident. Exceptions and exemptions apply.

On Royalty – Withholding tax on royalty made to a resident is 10%. Withholding tax on royalty made to a non-resident is 20%. Exceptions and exemptions apply.

On sale of shares in local Company – Companies are subject to securities transaction tax on stock exchange (with the exception of government bonds). The tax rate is 0.3% of the shares and share certificates and 0.0000125%-0.6% for futures transactions.



11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – No

Patent Cooperation Treaty – No

Madrid Protocol – Trademark – No

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

Retain a good law firm

13. Are Foreign Arbitration Awards enforceable?

Yes, as long as it complies with certain criteria as stipulated by law

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – No

New York Convention – No



Navinlaw has carved a niche for itself as an independent provider of legal services. The lawyers at Navinlaw are committed to providing practical and reliable advice to clients who value individual attention, cost-effectiveness and simplicity.

Navinlaw offers boutique services in corporate and commercial matters, employment and labor relations, joint ventures, merger and acquisition, international trade and cross-border transactions, civil and white-collar crime litigation. The firm is strategically located in Nontaburi which is the satellite city of Bangkok with close proximity to the new Government Office Complex, including the Ministry of Justice and the Ministry of Commerce.



Practice Areas:

Alternative Dispute Resolution
Antidumping
Arbitration
Business Formation
Business Start-Ups
Buy-Sell Agreements
Civil Litigation
Collective Bargaining
Commercial Insolvency
Commercial
Commercial Litigation
Construction Contracts
Corporate Commercial
Corporate Income Tax
Corporate
Corporate Partnerships
Corporate Tax Planning

Customs
Employer Rights
Employment Contracts
Employment Rights
Employment Termination
Excise Tax
Franchise Licensing
Franchises and Franchising
Import and Export
Income Tax
Insolvency
International Free Trade
Agreements
International Trade
International Trade Regulation
Joint Ventures
Labor and Employment

Labor
Land Use Permitting
M&A
Overtime
Partnership Formation
Partnership
Partnership Organization
Real Estate
Tax
Tax Planning
Trade Regulation
Unfair Labor Practices
Wage and Hour
White Collar Crime
Wrongful Termination Defense
Zoning
Zoning, Planning and Land Use

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1. Website for Company Registry search.

<http://datawarehouse.dbd.go.th/bdw/home/login.html>

2. Website for Foreign Investment related.

<http://www.boi.go.th/index.php?page=index&language=en>

3. Website for IP related search.

Trademark – Trademark search must be conducted manually at the Thai Trademark Registry.

Patent – <http://patentsearch.ipthailand.go.th/DIP2013/simplesearch.php>

Copyright – No copyright registration system in Thailand

Industrial Designs – Industrial Designs are recognized as “Product Designs” and are part of the patent regime.

A search can be conducted by using the same website using for patent search.

4. Is there a necessity for incorporating the corporate name of the Company in Contracts?

Yes

5. Is there a necessity for incorporating the corporate identity number of the Company in contracts?

No

6. Is there any local convention of signing of contracts?

No particular convention for signing. If the signatory party is a company, however, the contract must be signed by an authorized officer of the company. The name of this authorized officer (signatory director) is normally reflected in the certificate of incorporation issued by the Company Registrar. A valid power of attorney from the authorized officer is required if the person signing the contract on behalf of the company is not an authorized officer.

7. Any requirement of notorisation / legalisation of contracts?

No

8. Sectors where no foreign investment can be made?

Basic and intermediate business activities such as general trading, brokerage and agency, construction, production of sugar, professional services and domestic transportation are off-limits to foreigners pursuant to the Foreign Business Act 1999. Foreigners or foreign investors may pursue the business activities restricted by the Foreign Business Act 1999 by being the minority equity holders in a company undertaking such restricted business.

9. Sectors where there is a cap on foreign investment?

See answer under Number 8

10. What are the rates of tax?

Corporate Tax Rate – 20% of net profit

On Dividend – Dividend paid to domestic company is either exempted from tax or taxed at concessionary rate.

Dividend paid to overseas shareholders is subject to 10% withholding tax.

On Royalty – Royalty paid to a domestic company is subject to 3% withholding tax. The withholding tax is 15 % if the royalty is paid to overseas companies. Reduced withholding tax rates are accorded under double tax treaties.

On sale of shares in local Company – Capital gain realized by a domestic company is part of company's taxable profit which is subject to 20% net profit tax. Capital gain realized by a foreign shareholder is subject to 15 % withholding tax in Thailand.

11. Is your Country a signatory to the following International Treaties related to IP?

Berne Convention on Copyrights – Yes

Patent Cooperation Treaty – Yes

Madrid Protocol – Trademark – No

12. What are the safeguards to be taken to enforce JV Agreement / Shareholder's Agreement?

(1) The joint venture agreement should not contain any provision that is susceptible to being challenged as being unenforceable on ground of public order;

(2) The agreement should contain a clear, succinct and practical arbitration clause.

13. Are Foreign Arbitration Awards enforceable?

Yes

14. Is your Country a signatory to the following International Treaties related to Dispute Resolution?

Geneva Convention – Yes

New York Convention – Yes



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