

# Doing Business in the Asia Pacific Region



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# Doing Business In Asia Pacific Region



About Primerus .....	1
Australia .....	
Carroll & O’Dea .....	2
HHG Legal Group .....	4
China .....	
Hengtai Law Offices .....	8
HJM Asia Law & Co LLC .....	11
Hong Kong .....	
ONC Lawyers .....	15
Malaysia .....	
J. Lee & Associates .....	20
Singapore .....	
HJM Asia Law & Co LLC .....	24
South Korea .....	
Hanol Law Offices .....	28
Taiwan .....	
Formosan Brothers .....	32



Primerus is an international society of 180 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 nearly 50 countries around the world and 47 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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**1. Website for Company Registry search.**

[www.asic.gov.au](http://www.asic.gov.au)

**2. Website for Foreign Investment related.**

[www.firb.gov.au](http://www.firb.gov.au)

**3. Website for IP related search.**

Trademark – [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

Patent – [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

Copyright – N/A

Industrial Designs – [www.ipaustralia.gov.au](http://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](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](http://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](http://cpquery.sipo.gov.cn/index.jsp?language=en_US)

Copyright – [http://www.ccopyright.com.cn/cpcc/index\\_en.jsp](http://www.ccopyright.com.cn/cpcc/index_en.jsp)

Industrial Designs – [http://cpquery.sipo.gov.cn/index.jsp?language=en\\_US](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  
Admiralty  
Alternative Dispute Resolution  
Banking  
Bankruptcy  
Business  
Civil Rights  
Commercial  
Construction  
Conveyancing Law  
Corporate Finance Law  
Corporate  
Criminal  
Discrimination Law

Employment  
Family  
Finance  
Immigration  
Insolvency Law  
Insurance  
Intellectual Property  
International Litigation Law  
International Shipping Law  
Investment  
Joint Ventures Law  
Litigation  
M&A  
Maritime

Personal Injury  
Privacy  
Private Client Law  
Private Equity Law  
Probate  
Property  
Real Estate  
Securities  
Shipping Law  
Transportation  
Trusts and Estates  
Wealth Planning Law  
Wills

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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.hktde.com>

GovHK – <http://www.gov.hk/en/nonresidents/investinghk/>

Census and Statistics Department – <http://www.censtatd.gov.hk/hkstat/sub/sp260.jsp?productCode=B1040003>

**3. Website for IP related search.**

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

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

Copyright – It is not necessary to register a copyright in Hong Kong. There is no official registry in Hong Kong for registration of copyright works.

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?**

- The CO provides that a company can execute a document under seal or by deed.
- Where a company signs a document under seal, it may affix its seal on the document in accordance with its Articles of Association. (s.127 of CO)
- When a company executes a document by deed, it may express it to be executed and delivered as a deed. (s. 128 of CO)
- Also, a company can execute a document: for a company with a sole director, having it signed by the sole director; if a company has 2 or more directors, having it signed by 2 directors or any 2 of them; or signed by 1 director and the company secretary. (s.127(3) of CO)

**7. Any requirement of notorisation / legalisation of contracts?**

- Notarization is usually required only for legal documents to be used abroad.
- These documents destined for non-Hague Apostille Convention states or territories, after being signed and sealed by a Notary Public, will require legalization of the identity, signature and seal of the Notary Public by the relevant diplomatic representative of the state or territory in Hong Kong before these documents can be used in that state or territory.

**8. Sectors where no foreign investment can be made?**

- 100% foreign ownership of companies is generally permitted and common in Hong Kong.
- But there are restrictions on some business sectors, for example, restrictions on voting control by non-Hong Kong residents and corporations in the broadcasting sector (Broadcasting ordinance, Cap. 562 and Telecommunications ordinance, Cap. 106)

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

No

**10. What are the rates of tax?**

Corporate Tax Rate –

- For Corporations: 16.5%
- For Unincorporated Businesses: 15%

On Dividend –

- Dividend income, whether from Hong Kong or overseas, is not taxable. Dividends paid to either a resident or non-resident of Hong Kong are not subject to any withholding tax.

On Royalty –

- Royalty is not taxable in Hong Kong. Yet, royalty income received are 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](http://www.ird.gov.hk/eng/tax/dta_rates.htm))

On sale of shares in local Company –

- Contract Note for sale or purchase of 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: \$5 + 0.2% of the stock to be transferred;
- Transfer of any other kind: \$5

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

Berne Convention on Copyrights –

- Yes - ([http://www.ipd.gov.hk/eng/ip\\_practitioners/international\\_agreements.htm](http://www.ipd.gov.hk/eng/ip_practitioners/international_agreements.htm))

Patent Cooperation Treaty –

- Yes - ([http://www.ipd.gov.hk/eng/ip\\_practitioners/international\\_agreements.htm](http://www.ipd.gov.hk/eng/ip_practitioners/international_agreements.htm))

Madrid Protocol – Trademark –

- No - But there has been consultation on the proposed application of the Protocol.

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

- Make sure the agreements comply with the laws of Hong Kong; 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, 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, As Hong Kong is a party to the “1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards”, an award obtained in Hong Kong is enforceable in other countries that are signatories to the New York Convention.
- For PRC awards, they are enforceable under the “Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the Hong Kong Special Administrative Region.”
- For Macao awards, they are enforceable under the “Arrangement between Hong Kong and Macao for reciprocal recognition and enforcement of arbitral awards.”
- For other non-convention awards, they can be enforceable with leave of the Court under(s. 84, Arbitration Ordinance)

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

Geneva Convention – No.

New York Convention – Yes

Verily, J Lee & Associates is a young yet dynamic firm established since early 2001. The firm is partnered by a team of enthusiastic professional lawyers who inspire to provide full commitment and efficiency in all assignments entrusted by their clients.

Despite being 'young', J. Lee & Associates pleads to serve clients to the utmost and thus holding their clients' satisfaction as the prime target. Despite being small to medium in size, they plead to provide the most satisfying service for all their undertakings with competitive rate. J. Lee & Associates keeps their promise and works their plan toward the achievement of their mission and philosophies.

The diversified background and experience that their lawyers have, enables them to provide the most outstanding legal services for their client, whatever the client's need is. J. Lee & Associates staffs lawyers that are all multilingual and well-versed with both the common law and the Islamic law beside the Malaysian law. Also, most of them are knowledgeable in the handling of cross border dealings and disputes resolution.

J. Lee & Associates believes in the free enterprise system. They shall consistently treat their clients with honesty, dignity, fairness and respect. They shall conduct all their undertakings (regardless of the amount involved) with highest ethical standards. The firm's mission is to continually exceed their client's increasing expectations. The firm's lawyers are exposed to the civil law especially English laws and Shariah laws respectively. Mr Johan Lee himself is a consultant in Islamic finance to few law firms in Malaysia, Brunei, Indonesia, Singapore and the United Kingdom wherein he provides consultancy services in Islamic finance to these law firms.

J. Lee & Associates strongly believes in upholding the standards of their services and are guided by the following philosophies:

## Commitment

Upon accepting an assignment, their client's portfolio becomes their responsibility and they are committed to delivering the highest quality services in completing the assignment.

## Personal service

A close working relationship with their clients ensures that each client receives immediate personal attention. This will result in proper control of their client's assignment. The firm's team is trained to provide the highest required level of professional services.

## Knowing their client's business

J. Lee & Associates make it a point to have a thorough understanding of each circumstance and their client's individual needs. In this way they ensure that appropriate service is provided to meet individual situational needs.

## Client friendly

With the aim of providing services to their client's utmost satisfaction, the firm's staff and even lawyers are ever ready to assist each client and are willing to meet at their client's convenience when the need arises.

As testimony to their high standards and diligence in meeting their clients' needs, they have succeeded in retaining a large client base ranging from walking-in individuals, small enterprises, private sectors companies, government linked companies, corporate entities, developers to public listed companies and established financial institutions throughout their years of practice.



## Practice Areas:

Alternative Dispute Resolution  
Appeal  
Banking  
Civil Litigation  
Conveyancing  
Corporate  
Islamic Finance  
Procedural Litigation  
Shariah Matters

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

<http://www.ssm.com.my/>

**2. Website for Foreign Investment related.**

<http://www.mida.gov.my>

**3. Website for IP related search.**

Trademark – <http://www.myipo.gov.my/>

Patent – <http://www.myipo.gov.my/>

Copyright – <http://www.myipo.gov.my/>

Industrial Designs – <http://www.myipo.gov.my/>

**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

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

No

**7. Any requirement of notorisation / legalisation of contracts?**

Yes, if the contract executed overseas

**8. Sectors where no foreign investment can be made?**

Yes, certain sectors are still restricted

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

Yes, certain sectors are still capped

**10. What are the rates of tax?**

Corporate Tax Rate –

1. Company with paid up capital not exceeding RM2.5 million:

a) First RM500,000.00 = 19%

b) The remaining = 24%

2. Company with paid up capital exceeding RM2.5million = 24%

On Dividend – No specific tax rate per se. It is taxable as income tax

On Royalty – No specific tax rate per se. It is taxable as income tax

On sale of shares in local Company – No specific tax rate per se. It is taxable as income 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 – No

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

To name a few such as Company Law matters and anti competition issues

**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



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](http://www.bizfile.gov.sg)

Companies can be searched there and the regulatory information are on [acra.gov.sg](http://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](http://acra.gov.sg) website or ministry of foreign affairs ([mfa.gov.sg](http://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/](http://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



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