

TONG WANG, ESQ.

T. Wang Law P.C., Ridge, NY 11961 (USA). info@awarenesslaw.com. www.twanglaw.com

Work History

Principal, T. Wang Law P.C. (Ridge, NY since 2020); General Counsel, Li Automation Group Inc. (Glen Cove, NY 2019-20); Of Counsel - Neutral Services (2019-20)/Salary Partner (2009-18), Rosensteel Law (New York, NY; Senior Attorney, Rosensteel & Beckmann LLC (New York, NY 2000-08); Law Clerk, Neil Gerber & Eisenberg LLP (Chicago, IL 1999); Attorney, China Trade Law Firm (Beijing, China 1995-97); Assistant Professor, University of International Business and Economics Law School (Beijing, China 1993-97).

Professional Experience

Specialize in corporate and business law with a focus on technology, investment, e-commerce, and international businesses, representing clients (including in-house clients) in corporate transactions and related dispute resolution, and serving as a neutral arbitrator/mediator. Licensed and have practiced law in both common law and civil law countries. Cross-border matters dealt with in the United States involve Europe, Asia, Oceania, Canada, Latin America and Africa. Regularly advised multinational companies as to their business matters in the United States (including Fortune 500 companies). Regularly advised U.S. companies concerning their business matters outside the United States by working with a network of foreign law firms in relevant countries. Frequently coordinate legal proceedings involving multiple jurisdictions and disciplines.

Experience in the following areas: (a) business structuring, corporate governance, partnership, LLC, transfer pricing; (b) M&A, startup financing, preferred stock financing, due diligence; (c) inbound and outbound investment to/from the U.S.; (d) software licensing, maintenance, development and marketing, including enterprise process software; (e) IT consulting business; (f) trade secrets, proprietary information, technology development; (g) trademark, internet policing, market policing, and other branding related issues; (h) e-commerce, including e-marketplace, online auction, website terms and conditions, data/privacy compliance; (i) medical equipment, SaaS for life science industry, healthcare economics, HIPAA compliance; (j) metals industry; (k) logistics business; (l) complex commercial contract matters, e.g., strategic alliance, restrictive covenants, distribution agreements, shareholder agreements; (m) UCC Article 2, sale/import of goods; (n) technology control regulations; (o) international commercial law, e.g., UNIDROIT Principles of International Commercial Contracts, United Nations Convention on Contracts for the International Sale of Goods (CISG); and (p) international public-private regime on foreign direct investment and investor-state disputes.

Dispute Resolution Experience

NEUTRAL LISTINGS: American Arbitration Association/International Centre of Dispute Resolution (commercial large complex – domestic & international panels). International Institute for Conflict Prevention and Resolution Panels of Distinguished Neutrals (commercial, technology, employment & trademark panels). FINRA (Financial Industry Regulatory Authority) Dispute Resolution Services (public arbitrator). Hong Kong International Arbitration Centre (List of Arbitrators, Emergency Arbitrators). China International Economic and Trade Arbitration Commission Panel of Arbitrators. Shenzhen Court of International Arbitration Panel of Arbitrators. Shanghai Arbitration Commission Panel of Arbitrator. New York State Unified Court System (mediator).

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ARBITRATOR EXPERIENCE: served as chair, sole arbitrator and wing arbitrator over large and complex domestic (U.S.) and international contract disputes, where relief at law and equity were sought, argued and decided. Examples of subject matters involved: software licensing, maintenance and marketing; SaaS licensing (logistics industry); transfer of intellectual property assets (entertainment, sports); IT consulting; IT outsourcing (utility, energy); patent licensing; transfer of contract rights; preferred stock financing; joint venture; e-commerce; online marketplace operation and policing, website terms and conditions; merchant financing (fintech); supply chain; supply contract (bio ingredients industry); employment disputes (financial industry); term sheet; lost profits; sale of goods (UCC Art. 2); international sale of goods (CISG).

PROCEDURAL ISSUES DEALT WITH AS ARBITRATOR: challenge to the jurisdiction of the tribunal, scope of jurisdiction, scope of arbitrability, applicability of arbitration rules, applicability of procedural arbitration laws, conflict of laws, dispositive motions, discovery disputes, subpoenas, expert testimony, admissibility of evidence, bifurcation of proceeding, res judicata, law of the case doctrine, document only proceeding, pro se parties, *ex parte* proceeding.

MEDIATOR EXPERIENCE: conducted private and court assigned mediations of contract, commercial, and/or property related disputes, involving industries such as healthcare, professional services, real estate development, and air shipping/courier industry dispute, including bilingual mediation of complex international multi-party multi-million contract disputes.

COUNSEL EXPERIENCE: represented clients in (a) arbitration before the U.S. and international tribunals, concerning enterprise software marketing, joint venture, non-compete, trade secrets/proprietary information, restrictive covenants, UCC Article 2, quality claim involving ASTM Standards, and trademark/domain name disputes (UDRP); (b) settlement and mediation of commercial disputes; (c) successful opposition/confirmation to/of enforcement of domestic or foreign arbitral awards; (d) assessment and evaluation of expert witness; and (e) e-discovery management.

ARBITRATION RULES INVOLVED: ICDR International Arbitration Rules, IBA Rules on the Taking of Evidence in International Arbitration, AAA Commercial Arbitration Rules, CPR Administered Arbitration Rules, CPR Non-Administered Arbitration Rules, FINRA Arbitration Rules, HKIAC Arbitration Rules, JAMS Arbitration Rules, CIETAC Arbitration Rules, UNCITRAL Arbitration Rules.

WORKING LANGUAGE: able to conduct arbitration and mediation in English and Mandarin.

ADDITIONAL TRAINING: e-discovery management, dispute boards, cyber security.

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PUBLICATION:

“More New York Convention: US Court Interpretations On Jurisdiction and Venue for Actions and Proceedings”

- CPR, Alternatives to the High Cost of Litigation, Volume 42, Issue 2, p. 1 & 33-36 (Feb 2024), Wiley Online Library (Jan 2024).

“The New York Convention: How Courts Interpret Jurisdiction on Awards – A U.S. Perspective”

- CPR, Alternatives to the High Cost of Litigation, Volume 42, Issue 1, p. 9-12 (Jan 2024), Wiley Online Library (Dec 2023).

“Interpreting the New York Convention - A U.S. Perspective”

- ICDR Handbook on International Arbitration Practice - Second Edition, Chapter 26 (Juris 2017).
- AAA Handbook on International Arbitration Practice, Chapter 27 (Juris 2010).
- CIETAC, Judicial Practice of New York Convention and International Commercial Arbitration (in Chinese), Chapter 1, China Law Publishing (May 2010).
- Arbitration and Law (in Chinese), Feb 2007, China International Economic & Trade Arbitration Commission.
- Dispute Resolution Journal, Feb-Apr 2006, American Arbitration Association.

PUBLIC ENGAGEMENT (partial list):

- Panelist, “Using Dispute Boards Across Industries” – CPR (2024).
- Featured in the CPR Neutral Spotlight! (2024, <https://www.cpradr.org/news/cpr-interview-with-tong-wang-arbitrator-mediator-business-attorney>).
- Moderator, "Third-Party Subpoenas in Arbitration: Ground Rules, Gatekeeping, and Best Practices from the Perspectives of Clients, Counsel, and Arbitrators" – New York State Bar Association Dispute Resolution Section, Domestic Arbitration Committee (2023).
- Featured as a distinguished neutral in “*Look Who’s Joined ADR’s Most Exclusive Club*” published by CPR (2018/2019).
- Organizer and Speaker, "Meet the CIETAC" (New York) – China International Economics & Trade Arbitration Commission (2015)
- Panelist, "Introduction to International Arbitration and Perspectives on Recent Developments in New York and Asia" - 2015 Asian American Bar Association of New York Fall Conference: Charting New Frontiers (2015)
- Speaker, "Consolidation – Multiparty Disputes" and "The Internationalization of the International Arbitration", the 2nd Annual China Arbitration Week (Beijing), China National Bar Association and CIETAC (2014).
- Panelist, "Demystifying China's State Run Businesses – HKIAC in New York," Hong Kong International Arbitration Centre (2014).
- Panel Discussion "HKIAC in the Americas - New York - Highlighting Hong Kong: A World Class Arbitral Venue," Hong Kong International Arbitration Centre (2013).
- Panelist (Asia/Pacific Panel), "2007-2008 Conference Series - Washington D.C.," International Centre for Dispute Resolution (2007).

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Education

Northwestern University Law School (LLM, Corporate and Securities-1998).
Beijing University Law School (Master of Law in Jurisprudence, three-year program-1993).
Beijing University Law School (Bachelor of Law in Economic Law-1990).

Bar Admissions:

New York (2000); District of Columbia (2006); U.S. District Court, Southern and Eastern Districts of New York (2000); U.S. Court of Appeals, Second Circuit (2007); U.S. Court of International Trade (2003- 2015); Canada Intellectual Property Office Trademark Attorney Certification (2007-2010); P.R. China (1995-1997).

Professional Associations:

International Institute for Conflict Prevention & Resolution [panelist member, Dispute Review Board Outreach (working group), Government & ADR (Standing Task Force), Template for Arbitration Program Task Force)
New York State Bar Association (Dispute Resolution Section, Diversity Committee Co-Chair).
ICC USCIB Arbitration Committee.
ITech Law – Fintech Committee.
Arbitral Women.
Formerly, New York City Bar Association (Arbitration Committee 2012-2018).

Citizenship: United States of America