



Winnie Tam

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Practice Areas

Arbitration, Business/Commercial, Intellectual Property, International, International Arbitration

Winnie Tam is a barrister-at-law, arbitrator and mediator in independent private practice in Hong Kong. Her practice areas include civil and commercial law, with an emphasis on intellectual property. She was admitted to practice as a barrister in England and Wales in 1988 and remains an overseas member of IP specialist Chambers at 8 New Square in London. She was also admitted as an advocate and solicitor in Singapore and the Australian Capital Territory.

Ms. Tam was awarded the title of Senior Counsel by the Chief Justice of HKSAR in 2006. She was elected to serve as the chairman of the Hong Kong Bar Association between January 2015 and January 2017, and in that capacity, she spearheaded a number of significant reforms. In 2015, she was appointed as a recorder of the Court of First Instance, High Court of the Hong Kong SAR. In her capacity as a deputy High Court judge and then Recorder, she adjudicated on a wide range of civil and commercial matters.

Ms. Tam is fully bilingual in Chinese and English, and has an excellent command of Putonghua and written Chinese. She has broad experience in commercial litigation, especially intellectual property, and in the use of preemptive remedies in commercial and corporate disputes.

In her capacity as a leading intellectual property barrister, Ms. Tam has been invited to join a working group of the Department of Justice on the arbitrability of intellectual property rights and has contributed to the drafting of a bill presented to LegCo in December 2016.

ADR Experience and Qualifications

ADR Panels

- Shenzhen International Arbitration Centre, Panel Arbitrator
- HKIAC Panel Arbitrator
- Nomination Committee for the Council of the HKIAC
- Hong Kong Mediation Council Panel Mediator under the Mainland and Hong Kong CEPA Investment Agreement
- CIETAC Panel Arbitrator under the Mainland and Hong Kong CEPA Investment Agreement
- World Intellectual Property Organization, Panel Mediator
- JAMS/SCMC, Panel Mediator

Selected ADR Appointments

- Appointed presiding arbitrator in a CIETAC arbitration to be conducted in Putonghua with its seat in Hong Kong on a substantial commercial dispute.
- Appointed by party as co-arbitrator in a complex dispute involving multi-jurisdictional arbitrations and litigations between the parties in a claim exceeding US\$200M under HKIAC 2013 Rules with the seat of arbitration in Hong Kong.
- Appointed presiding arbitrator in an arbitration under HKIAC Rules 2013. The dispute arose from a joint venture between a Hong Kong company and a major machinery manufacturing company from Northern Europe to the value exceeding USD 200M in which technology transfer was the crux of the parties' dispute. Issues involve complex international issues as well as issues on China law and Hong Kong law.
- Appointed as presiding arbitrator under the ICC Rules working with leading international arbitrators in the region. The claim is one on licensing and development of software to involving a claim of at least USD 100M.
- Appointed as co-arbitrator by the Shenzhen International Arbitration Centre (formerly SCIA) in a cross-border sale of goods dispute worth roughly RMB 30M. Complex issues of company insolvency law are involved. The arbitration is conducted under SCIA Rules.
- Appointed as co-arbitrator to work with international arbitrators in the region in a major dispute between a mainland Chinese company and Japanese companies arising out of an OEM manufacturing agreement. The core allegation is breach of confidence in technology relating to the making of machinery. The arbitration is under UNCITRAL rules. A large amount of technical information is involved.
- Appointed as lead Counsel to attend court to obtain ancillary relief in aid of arbitration in a case involving a dispute between the franchisor and licensee to a popular show.
- Appointed as lead Counsel to represent a manufacturer of hi-tech apparatus in multiple number of disputes with its competitor in China. Acted as co-lead counsel with US patent counsel in two arbitrations under UNCITRAL rules for clients in the same group of companies. The core allegations related to infringement of multiple patents and use of confidential information by former technical employees. Emergency arbitration procedure was involved in one set of the proceedings.

Honors, Memberships and Professional Activities

Memberships

- Recorder, Court of First Instance, High Court of HKSAR
- Chairman, Standing Committee on Intellectual Property, Hong Kong Bar Association (HKBA)
- Member, Committee on Arbitration, HKBA
- Member, Law Reform Commission
- Member, IBA Bar Issues Commission
- Advisor, IBA Forum for Barristers and Advocates
- Member, Committee on Emerging IP Rights, Asian Patent Attorneys Association
- Member of the Board of Advisors, Shenzhen Lanhai Research Institute on Legal Services in the Greater Bay Area

Speaking Engagements

- Business of IP Asia Forum - 7.12.2018
Speaker - Interplay Between Different Modes of International Dispute Resolution and the Enforceability of IP Arbitral Awards in the Mainland

- Business of IP Asia Forum - 6.12.2018
Panel Chair - Dialogue with IP Policymakers: The Roadmap for Global IP Ecosystem
- ICAC Chief Investigators' Command Course - 26.11.2018
"The Importance of the Rule of Law"
- 第十届陆家嘴法治论坛 - 14.11.2018
国际仲裁调解程序交替使用 - 若干问题与前瞻
- 东莞市律师协会 - 10.11.2018
各类知识产权香港司法案例分析
- IPBA Bangkok 2018 - 6.11.2018
How can arbitrators from emerging arbitration jurisdictions in Asia gain a voice in international arbitration
- 31st LawAsia Conference 2018 - 3.11.2018
Moral and Ethical Issues in Third Party Funding of Arbitration
- Hong Kong Academy of Politics and Public Policy - 20.10.2018
An introduction to the Legal System of the Hong Kong SAR
- IBA 2018 Rome - 9.10.2018

Chair a Session "Comparisons between courts and arbitral tribunals, the view of advocates, do retired judges or seasoned advocates make good arbitrators and does arbitration need litigation on top"

Speaker with the Judge's Forum
- CIETAC Global Arbitrators Forum at Beijing - 17-18.9.2018
Conflicts of Interest and Ethics in Arbitration
- CIETAC Hong Kong's Day of Arbitration Field Practice – China Arbitration Week at Beijing - 16.9.2018
Conflict of Interest in International Arbitration – Bar Perspective
- Association of Corporate Counsel - 13.9.2018
War Stories in the IP Court
- HKIAC-WIA Talk at Beijing - 8.6.2018
"中国女性与仲裁: 如何做得更好?"
- Department of Justice – Mediation Week 2018 - 15.5.2018
"Mediation in the Entertainment Industry"
- DVC Oxford – HKU Visiting Fellowship Series - Mayerbrown JSM – 24.3.2018
"Evolving IP Issues in Brand Protection in the Digital Marketing ERA"
- Department of Justice and Deacons – 22.3.2018
"Arbitration – An Effective Tool for SMEs to Resolve IP Disputes"
- 北京「國家所需 香港所長—共拓一帶一路策略機遇」論壇 – 3.2.2018

"一帶一路战略中的香港在协助国家在创新科技发展中走出去、
与促进沿线国家文化艺术和旅游产业方面的融合发展的角色"

- Hong Kong Institute of Arbitrators Seminar on Evaluative Mediation – 30.1.2018
“Issues relating to Evaluation Mediation in Hong Kong”
- 深圳大学 - 港澳论坛第 18 讲 – 22.12.2017
“跨境知識產權争议解决”
- DVC and HKU Symposium on IP Dispute Resolution – 22.11.2017
“Charting the New Waters of 21st Century IP Dispute Resolution”
- Building an arbitral institution for international dispute resolution under “One Belt One Road” Lujiazui Legal Form Shanghai – 18.11.2017
- ICAC Chief Investigators’ Command Course – 9.11.2017
“The Importance of Rule of Law”
- ADR in Asia Conference organized by HKIAC – 17.10.2017
Plenary session speaker on “Arbitration in a Changing World”
- Hong Kong Arbitration Week – Seminar hosted by CIETAC – 16.10.2017
“That Eureka Moment - breakthrough moments on conducting arbitration”
- IBA Annual Conference Sydney 2017 – 10.10.2017
“The Role of Advocacy in Mediation and Arbitration”
- ICC – HKBA Joint Seminar on ICC Arbitrations – 4.9.2017
- “中國對外投資趨勢及香港的角色” 高峰論壇 (法律服務和爭議解決 - 香港的角色和優勢) 分論壇 – 14.6.2017
“如何在國際商貿爭議中解決知識產權問題”
- “Mediate First Pledge” 2017 Seminar on Mediation – 13.6.2017
“Practical Tips in Mediating IP and Innovative Technology Disputes”
- DVC Breakfast Seminar – Crossroads in Intellectual Property Law – 8.4.2017
“Arbitration, Brexit and Recent HK Cases”
- 20th Commonwealth Law Conference – Melbourne – 20-24.3.2017
Speaker in “Advocacy Masterclass – Appellate Advocacy”
- Chinese University: EMBA Forum – 20.2.2017
“Leaders at Crossroads: Does Rule of Law Matter?”

Background and Education

- CIETAC Panel Arbitrator
- HKIAC Panel Arbitrator
- SCIA Panel Arbitrator
- Adjunct Professor, East China University of Political Science and Law
- Part-Time Professor, Shanghai University of Economics and Finance
- Part-Time Lecturer, International Arbitration, Peking University
- LL.B. (Hons.), University of Hong Kong
- PCLL (Postgraduate Certificate in Laws), University of Hong Kong

- FHKI Arb
 - 1984 (Hong Kong)
 - 1988 (U.K. Bar)
 - 2006 (Hong Kong Inner Bar)