

Shengyan DIAO Partner

Regulatory and Compliance | PE/VC, M&A Dispute Resolution



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Shengyan Diao is a partner at Merits & Tree. Prior to joining M&T, Mr. Diao used to be a senior associate at Zhonglun Law Firm, and once opened and operated an independent law firm in Shanghai.

Mr. Diao specializes in cross-border business (especially between China and Japan) and has rich practice experience for more than ten years, constantly providing comprehensive and high-quality legal services for foreign enterprises from the daily corporate legal services of subsidiaries of multinational enterprises in China to their investment and mergers and acquisitions in China, business restructuring, personal information protection/data security, export control, dispute resolution, and regulatory compliance. At the same time, Mr. Diao has also acted as a lead associate and lead coordinator on behalf of Chinese companies/domestic private equity and venture capital institutions in transactions and projects related to going global (especially going overseas to Japan), providing full legal services from designing the transaction structure, due diligence, drafting of the transaction documents to completing the closing procedures in a wide range of industries including machinery, electronics, semiconductors, aerospace, biomedical, consumer goods, finance, media, and gaming.

Achievements

Regulatory and Compliance

- Assisted a Japanese tire manufacturer to provide legal services for its affiliated company in China on data security and privacy protection compliance;
- Assisted a Japanese medical device manufacturer to provide legal services for its affiliated company in China on data security,

privacy protection, and advertising law compliance;

- Assisted a Japanese comprehensive instrument manufacturer to provide legal services for its affiliated company in China on data security and privacy protection compliance;
- Assisted a large Japanese security company to provide legal services for its affiliated company in China on data security, privacy protection, and anti-commercial bribery compliance.

PE/VC, M&A

- Advised a Japanese non-governmental organization engaged in intellectual property research on its establishment of offices in China and its operation and compliance in China;
- Advised a Japanese food and beverage manufacturer on the establishment of a wholly foreign-owned subsidiary in Shanghai, China, and its operations and compliance in China;
- Advised a large multinational commercial firm headquartered in Japan on its acquisition of environmentally friendly enterprises in China;
- Assisted the regional headquarters of a Japan-based multinational pharmaceutical enterprise in China (Shanghai) to sign an exclusive import and distribution agreement with a UK-based pharmaceutical enterprise for a hemostatic drug in China, and completed the registration and other regulatory procedures of the relevant drug with the National Medical Products Administration (NMPA);
- Assisted a multinational pharmaceutical enterprise headquartered in Japan in setting up a joint venture focusing on pet vaccines in China (Inner Mongolia) and provided continuous legal services for its daily compliance operations in China;
- Assisted a multinational pharmaceutical enterprise headquartered in Japan in setting up a wholly foreign-owned enterprise focusing on animal health pharmaceuticals in China (Tianjin) and provided legal services for its daily compliance operations in China;
- Assisted two multinational pharmaceutical enterprises headquartered in Japan in setting up a joint venture in China (Tianjin) and provided legal services for its daily compliance operations in China;
- Assisted a Chinese investment consulting company in the acquisition of a Japanese medical corporation and affiliated clinics;
- Assisted a US dollar private equity fund in China to invest in an online consultation platform in Japan focusing on Japanese women's health;
- Assisted a China-based RMB private equity fund in the acquisition of a Japan-based feminine skin care product manufacturer;
- Assisted a leading Chinese gaming company in setting up an operating entity in Japan and conducting business there in a compliant manner.

Dispute Resolution

- Advised a multinational commercial firm headquartered in Japan with its Chinese partner in a dispute over the procurement of an equipment contract, and acted for it in the arbitration proceedings before CIETAC;
- Advised a multinational developer headquartered in Japan with a China construction enterprise in a dispute over contract claims, and acted for it in the arbitration proceedings before CIETAC;
- Advised a leading Japanese animation production company with its China partners in a dispute over an animation production contract, and acted for it to initiate the cross-border arbitration procedure before JCAA;
- Represented a leading Japanese water pump manufacturer with its China partners in a dispute over an overseas construction project to initiate the cross-border civil litigation procedure before the High People's Court of Beijing;
- Acted for a multinational commercial firm headquartered in Japan to respond to litigation on the validity/rescission of the sales contract and security contract before the High People's Court of Tianjin;
- Acted for an automobile manufacturer headquartered in Japan to respond to litigation on product quality infringement before the High People's Court of Hebei and won completely;

- Acted for a multinational steel trading company headquartered in Japan to sue the counterparty for fulfilling the payment obligation before the Intermediate People's Court of Haidian, Beijing, and won completely.

Honors

- Attorney-at-Law recognized by the Embassy of Japan in China

Social Positions

- An Arbitrator of JCAA
- A Member of JBA, YJAA (JAA), HK45 (HKIAC), YSIAC (SIAC)

Education

LL.M., Aoyama Gakuin University

Center for Japanese Language, Waseda University

LL.B., East China University of Political Science and Law

Admissions

- PRC Bar
- Certificate of CCRC-DPO
- Certificate of CISP-PIP

Language

Chinese, English, Japanese