

2020 ALB CHINA

# TOP 15 TMT LAWYERS

## 2020 ALB CHINA 十五佳TMT律师

This year's list includes 15 accomplished lawyers from leading firms across China who have excelled in their commitment to clients in the sectors of technology, media and telecoms.

今年的榜单中囊括了15位成绩卓越的律师，他们来自中国多家顶级律所，并在科技、媒体及电信行业严守了对于客户的承诺。

BY KRISTEN LIU 作者：刘诗宇

### METHODOLOGY

Candidates are reviewed comprehensively based on the following criteria:

- 1) Representative deals handled throughout practice experience;
- 2) Major transactions performed in the past 12 months;
- 3) Key clients;
- 4) Awards and accolades won; and
- 5) Client review.

### 评选方法:

ALB综合分析了各位申报律师在以下方面的成绩：

- 1) 申报律师执业经历中的代表性交易；
- 2) 申报律师过去12个月参与的重大交易；
- 3) 申报律师的主要客户；
- 4) 申报律师所获得的相关奖项；
- 5) 客户的评价。

## Top 15 TMT Lawyers 十五佳TMT律师

Winners are listed in alphabetical order.

获奖名单按律师姓氏首字母排序

**Lawrence An 安随一**

Llinks Law Offices 通力律师事务所

**Cai Hang 蔡航**

AnJie Law Firm 安杰律师事务所

**Dong Xiao 董潇**

JunHe 君合律师事务所

**Guo Junlei 郭君磊**

Anli Partners 安理律师事务所

**Jiang Zhihui 姜志会**

King & Wood Mallesons 金杜律师事务所

**Ivan Jin 金有元**

Merits & Tree Law Offices 植德律师事务所

**Barbara Li 李晓蓓**

Norton Rose Fulbright 诺顿罗氏律师事务所

**Sun Chuan 孙川**

Morrison & Foerster 美富律师事务所

**Yinan (Ian) Wang 王一楠**

DeHeng Law Offices 德恒律师事务所

**Wu Xiaoliang 吴小亮**

CM Law Firm 澄明则正律师事务所

**Ye Yusheng 叶玉盛**

Jingtian & Gongcheng 竞天公诚律师事务所

**Yu Hongwei 于宏威**

Zhong Lun Law Firm 中伦律师事务所

**Yu Rong 俞蓉**

Hylands Law Firm 浩天信和律师事务所

**Andrew (Xinyang) Zhang 张新阳**

Commerce & Finance Law Offices 通商律师事务所

**Zheng Xiaodong 郑晓东**

Jincheng Tongda & Neal 金诚同达律师事务所

■ *ALB China* has now announced the winners of 2020 *ALB China* Top 15 TMT Lawyers. While we extend our warmest congratulations to them, we also have interviewed some of them, who shared with us their brilliant career experience and insights of the industry.

#### TMT LAWYERS' INDUSTRY OBSERVATIONS

Ye Yusheng, a partner at Jingtian & Gongcheng, believes that the TMT industry has entered a "golden age" of development. He predicts that the combination of artificial intelligence (AI) and 5G technology will give impetus to the emergence of new-generation devices. These devices will redefine the word "intelligence". Ye also points to technology, entertainment and telecommunications as the three high-potential sectors for AI in the future.

Jin Youyuan (Ivan), a partner at Merits & Tree Law Offices, saw changes in the direction of innovation gradually

shifting from model to technology innovation. He says innovation will be more technology-related over the next three to five years.

Yu Rong, a partner at Hylands Law Firm, points out that the TMT industry shows a trend of quality content, posing higher requirements for creative teams and the contents. Therefore, M&A, compliance of innovative business models, tax, cybersecurity and data protection will become new growth areas in TMT legal service market.

#### LAWYERS LEAD THE WAY

Talking about law lags, Wang Yinan (Ian), a partner at DeHeng Law Offices, says that this challenge requires lawyers to be forward-looking from all-round perspectives. Also, lawyers need to be able to not just solve problems, but also creatively find feasible solutions for their clients.

Wang shared a case of Internet crowdfunding platform in 2014. "Back then, there are no clear stipulations

■ 2020 *ALB China* 十五佳TMT律师榜单揭晓。我们采访了部分上榜律师，聆听他们对TMT行业发展的深刻见解，分享多年来的成功经验以及对未来的期许与展望。

#### TMT律师们的行业观察

竞天公诚律师事务所的叶玉盛律师深信TMT行业在最近几年已经迎来了发展的“黄金年代”。他认为在未来，人工智能和5G技术的结合将为新一代设备的出现提供动力，这些新设备将随之重新定义“智能”一词的含义。另外，叶律师还指出，未来TMT最具AI潜能的三个板块将集中在科技、娱乐和电信行业。

植德律师事务所的金有元律师表示，TMT行业的创新方向正在从模式创新转向技术创新，加之政策鼓励，这将会成为未来三到五年内的趋势之一。其次，线上与线下的结合也将是未来的发展方向之一。

浩天信和律师事务所的俞蓉律师指出，TMT行业呈现出内容精品

“Not only do they have a supreme command of specialized fields, but provide practical solutions that take into account the client's actual circumstances.”

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on the crowdfunding business model. To help our clients achieve their business goals legally, we did a comprehensive analysis of policies and legal issues related to various crowdfunding models, such as equity crowdfunding, product crowdfunding, and public welfare crowdfunding, studies the relevant legislations of foreign countries, and had discussions with regulatory authorities, and finally designed for our clients a creative 'consumer + finance' product model." It was the first Internet crowdfunding project in China, and the legal solutions designed by Wang and his team was widely used for reference later.

better serve our clients and help them avoid risks," Jin says.

Wu Xiaoliang, a partner at CM Law Firm, takes the fintech field as an example. "Finance is subject to intense regulation, while technology is the driving force for innovation. Therefore, working in the fintech field requires the capability of balancing the relationship between the two, and a forward-looking mentality."

Several years ago, Wu and her team helped an online loan platform formulate its compliance system and measures, enabling it to meet the regulatory requirements easily when the authority

**"We should always keep in mind the principle of public order and good social customs. According to that principle, we should make judgments on the relevant issues and legislative trends, so as to better serve our clients and help them avoid risks."**

**"法律法规监管总是从社会整体的公共利益、社会整体的秩序以及大多数人的利益出发的。怀着这样的基本原则，对一些相关行为、立法趋势做出判断，从而引导律师更好地服务客户，尽可能地帮助客户避开风险。"**

— Jin Youyuan (Ivan), Merits & Tree Law Offices 金有元律师, 植德律师事务所

Jin from Merits & Tree suggests starting with researches on legal theories. Although sometimes there are no specific regulatory provisions to be applied, there are relevant legal theories, principles, and legislative purposes, thus helping lawyers make correct judgments. Legal practitioners could try to predict legal risks according to the regulatory logic and prepare the corresponding risk avoidance measures. Lastly, keep in mind the 'principle of public order and good social customs' "We should make judgments on the relevant issues and legislative trends according to that principle, so as to

implements more intensified regulation. It is quite the same in medical care, education and consumer fields. "Benefiting from being familiar with traditional business models as well as TMT, we can often provide our clients with prudent and optimistic solutions," Wu adds.

Ye from Jingtian & Gongcheng says that lawyers can learn from relevant advanced experiences of other countries to predict future regulatory trends to some extent, in face of law lags. He shared a blockchain case. "A client intended to acquire a blockchain company in Chengdu, and asked us to

化的趋势，行业对创作团队内容创作的严肃程度会不断提高。其次，从传统媒体、新媒体到现在的自媒体，业态将变得更加多元化。第三，技术与内容将加速融合，在这一过程中商业模式会经历连续不断的创新，因而并购、创新商业模式的合规、税务、网络安全和数据保护都会成为未来TMT法律服务市场的新的增长点。

### 法律虽有滞后，律师前沿领跑

一个行业发展越是迅猛，其法律滞后性就越有可能发生。德恒律师事务所的王一楠律师认为，滞后性首先考验律师的全局观和前瞻性，即律师能否站在立法者的角度来分析问题，并对未来立法走向做出合理预判；其次考验律师解决问题的能力 and 创造性，即律师能否在法律暂时空白的领域内为客户铺出一条可行的道路，而不是简单地以法律没有明确规定为由来否决商业方案。王律师分享了一个案例：“2014年我们参与百度和中信信托合作的互联网消费众筹平台项目时就面临同样的问题，当时众筹这种商业模式在国内没有明确的法律规定。为了达到商业目的并确保合法合规，我们对各类众筹模式的政策和法律问题进行全面分析、研究了国外的相关立法、与监管部门进行沟通探讨，最终设计了一个嵌套多重信托的“消费+金融”的产品模式。”这是全国第一个互联网消费众筹项目，而王律师及其团队所设计的整套法律解决方案被后来类似产品所广泛借鉴。

金律师提出，面对滞后性，首先可以从法律理论入手。有时候虽然没有具体的监管规定可以适用，但总有相关的法律理论、原则以及立法目的可以提供启示。其次，可以根据监管的逻辑来对法律风险做出预判以及相应的规避措施。第三，在前面的两点都不适用的情况下，金律师认为律师们应该谨记法律向善的原则。他指出：“法律法规监管总是从社会整体的公共利益、社会整体的秩序以及大多数人的利益出发的。怀着这样的基本原则，对一些相关行为、立法趋势做出判断，从而引导律师更好地服务客户，尽可能地帮助客户避开风险。”

澄明则正律师事务所的吴小亮律师指出：“金融是个强监管领域，

due diligence. Back then, Chinese laws and regulations did not have clear regulatory measures in this area, but the U.S. already had regulatory experiences in ICO business. So, we studied those regulatory cases, and then pointed out to our client that they might be exposed to great risks if they were engaged in ICO business in China."

#### EFFICIENT AND LONG-TERM COOPERATION WITH ENTERPRISES

When it comes to how to build efficient and long-term cooperation with in-house counsels, Wang gives three keywords: respect, initiative and courage.

"Respect" means mutual respect between lawyers and in-house counsels at work. Both work towards helping enterprises navigate business through changes and risks. Remembering this, lawyers could better understand and realize the service requirements. With the support of in-house counsels,

lawyers could come up with legal solutions more suitable for enterprises.

"Initiative" means that lawyers should take the initiative to learn about the business development of the companies, instead of passively waiting for in-house counsels to put forward needs, so that lawyers and in-house counsels can communicate with each other more efficiently.

Regarding "courage," Wang says that giving conservative advice is usually a safer way of handling cases, however, if lawyers can give more practical legal opinions, it may be more helpful for in-house counsels.

Jin points to professionalism and empathy. He says that lawyers look at things from the legal perspectives while in-house counsels from business aspects. In this case, lawyers need to have empathy, and respond quickly to the demands from in-house counsels.

TMT lawyers' job is not only pointing out risks for clients, but also proposing

科技是创新的驱动力，除了平衡两者关系，前瞻性也非常重要。几年前我们服务某网贷平台时，就帮助企业做了很多合规预判，在后来整个行业监管升级后，我们的客户就可以相对从容的面对。类似地，在医疗领域、教育领域、消费领域，我们得益于对传统业态和TMT都很熟悉，所以经常能给出谨慎乐观的解决方案。"

叶律师认为，面对一个国家在TMT行业监管上可能存在的滞后性，可以通过学习其他国家的相关先进经验而得到启示，并且在一定程度上预见未来趋势。对此，叶律师分享了区块链领域的一个案例：“曾有客户欲收购一家成都的区块链业务公司，需要我们进行法律尽调并出具尽调报告。当时，虽然中国的法律法规尚没有明确的监管措施，但是美国在这方面走在了时代的前列，因此，我们借鉴了一些美国在ICO业务上的监管经验，及时为客户指出如果在中国从事ICO业务，存在着较大的风险。”



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alternative solutions for clients to solve problems. Lawyers should also set up a good communication mechanism with their clients. After solving problems, lawyers should communicate with the clients regarding the business, industry and regulatory policies. Jin also recommends setting up a follow-up mechanism to actively learn about clients' feedback. Finally, lawyers and client can establish a working mechanism and mode together. "Some of our clients have been working with us for many years. For those clients, we establish a fixed working model to standardise some work, through which to provide clients with quality legal services and improve efficiency," Jin explains.

Yu says that four things are key to the establishment of efficient and long-term cooperation with enterprises. First, professionalism and comprehensiveness, which means that lawyers should be experts in a certain field, but in an all-round way in that field. Second, lawyers need to have profound knowledge of their clients' industries. Third, lawyers should be courageous and good at communication. And fourth, the capability to put into practice the results of communication efficiently.

Wu from CM Law Firm shares her idea about the relationship between lawyers and in-house counsels. There are sometimes conflicts between business plans and rules. Lawyers' role is to help in-house counsels resolve conflicts. Lawyers are, therefore, expected to do three things: (1) Understanding the business logic; (2) Seeing things from the perspective of the other party; and (3) Adhering to principles. "It is quite easy for a company using private domain traffic for e-commerce to constitute a pyramid scheme. TMT lawyers should not reject this business mode; instead, they should give risk warnings and design a complete plan to help their client avoid the risk of multi-level marketing," Wu explains.

Ye believes that it is important to understand the needs of clients, provide demand-oriented legal services, and help clients solve problems effectively. When providing solutions to clients, Ye usually thinks about the issues from

different angles and provides in-house counsels with several different solutions for them to choose the feasible and most suitable one. Meanwhile, lawyers must maintain good communication with in-house counsels: responding to their questions promptly, and seeking their advice immediately when having questions. "A good partnership is often established through good communication and efficient services," he says.


#### LOOKING FORWARD

Talking about personal development plans, Wang says that given the emerging branches in the fields such as 5G, blockchain and AI, he will focus on studying these new technologies, and concentrate on some of the common and new legal issues such as cybersecurity and data protection.

Jin agrees that 5G-related projects will be a hot area; he plans to continue accumulating experience in related fields, learn new knowledge, and strive to achieve a deeper understanding of industry. Merits & Tree has an IP department, which brings together lawyers who understand IP and technology of various industries.

Yu and her team will continue to provide high-quality legal services to TMT clients, hoping to develop new businesses, with focus on cybersecurity and data protection, taxation and sports laws.

Wu believes that in the cooling-off period after the rapid development of the industry, it is particularly important for lawyers to face the difficulties together with enterprises. "I hope to use my experience to help my clients turn complexity into simplicity, and turn chaos into order, and help them to navigate through the changing environment, to create more value for them," Wu says.

Ye plans to publish a book related to the TMT industry. He also hopes to teach practical courses to help students gain operation and legal skills in schools, to help them shift from their roles as law students towards competent lawyers. Ye is currently teaching legal affairs course at Fudan University, and hopes to establish collaborations with more universities and colleges. 

#### 与企业的高效、长远合作

当聊到如何才能与企业法务进行高效的合作并保持长远的良好的合作伙伴关系时，王律师提出三个关键词：尊重、主动、勇气。“尊重”指的是专业上的尊重。律师与企业法务共同为服务企业业务的发展保驾护航，深刻地理解了这个使命，律师就会更加容易理解和接受企业法务提出的服务需求。而“主动”代表着律师能主动地去了解自己所服务企业及其所在行业的业务发展情况，这样与企业法务工作时沟通效率就会提高很多。王律师对“勇气”这一关键词的阐释是：尽管律师在给出自己专业意见时趋于保守往往最稳妥，但如果能基于经验和专业判断给出更加切合实际的法律意见，对于企业法务来说可能更有帮助。

金律师亦分享了自己的经验：要有过硬的法律职业素养，还具备同理心。律师更多地处于法律环境下，而法务则更多地站在商业的角度。在这种情况下，律师应该通过换位思考来理解对方的需求，做出快速响应，从而提高合作质量。此外，应该和客户建立起良好的沟通机制。律师在解决了客户的问题后，还要积极地与客户针对业务和法律进行沟通交流，在新的法律法规和政策规定出台后，主动与客户进行分享或为期提供培训。同时还可以建立回访机制，主动了解客户在接受服务过程中的体验。最后，还可以建立一个律师与客户双方共同认可的工作机制和模式。金律师解释道：“有些客户已经与我们建立了多年的合作，对于这类客户我们可以考虑建立一种固定的工作模式，将一些工作长期化、标准化，甚至可以帮助客户制定一套科学的流程，这样既能为客户提供高质量的法律服务，又能提高工作效率。”

俞律师也总结了四点经验：第一，法律服务要做到专业性和综合性。在成为某个领域的专家的基础上，律师要能够解决客户问题的多个方面。其次，要能够充分了解所处的行业，对其中的从业人员、其谈判的位置以及交易的内容都要有深入的了解。第三，要敢于且善于沟通。“俗话说，花一分钟看透事物本质的人与花几年看透事物本质的人的命运是不同的，”俞律师谈到，“如何去看透事物的本质，我认为沟通起到关键的作用。”第四，对于沟

通得来的结果，还要进行快速、高效的执行。

在吴律师看来，商业利益、效率和规则之间有时会存在矛盾，企业法务时常会面对这种矛盾，外部律师很大的贡献是和企业法务一起化解矛盾。基于此，好的律师应该做到三点：1、懂得商业逻辑；2、从对方角度出发；3、坚持原则。吴律师以电商为例做出了进一步阐释：“私域流量的电商很容易构成传销，那么TMT律师要做的不是否定这个方向，而是在充分提示风险的同时，设计出完整的方案帮助这个业务模式避免陷于传销的风险。”

叶律师也给出了精彩见解：要了解客户的需求，以需求为导向提供不同的法律服务，帮助客户切实地去解决问题。提供解决办法时，叶律师通常会进行多角度的思考，为企业法务提供几个不同的解决路径，让其选择可行的方式。同时，还要和企业法务保持良好和通畅的沟通，及时回复企业法务提出的问题，如有疑问的地方，及时向企业

法务提出。“良好的合作伙伴关系往往在良好的沟通与高效的服务中建立。”他说道。

### 展望未来

谈及个人的未来展望，这些杰出律师们的发展规划显得清晰且有远见。王律师表示，随着5G、区块链和AI等领域纷纷涌现出新的分支，他未来在关注这些新技术和新应用的同时，会着重研究这些数字经济中的一些共性的和新生的法律问题，比如网络安全和数据保护问题。

金律师也认为与5G相关的项目将会是未来的热门之一，因此他将继续不断积累经验，不断学习新的知识，努力实现对技术、对行业、对商业更深的理解。此外，植德律师事务所还有专门的知识产权部，汇集了了解各行业知识产权和技术的合伙人与律师，能够帮助解决项目中与技术和专业有关的问题。

俞律师表示，她及其团队在未来将继续致力于为TMT行业的客

户提供高质量法律服务，希望在传统TMT领域的基础上拓展出新的业务，其中，几个比较重要的发展方向包括网络安全与数据保护、税务和体育法等。

吴律师多年来的成功经验已经为她赢得客户的信赖。其客户不仅视她为法律服务提供者，还乐于一起探讨业务方向。吴律师认为，在行业高速发展后的冷静期中，和企业一起面对困难尤为重要。“我希望能够利用自己多年的经验，化复杂为有序，为企业发展保驾护航，创造更多的商业价值。”她说道。

叶律师的未来计划则更偏向学术。他计划出版一本与TMT行业相关的书籍，梳理TMT行业的监管脉络以及一个TMT企业如何从零走向IPO。叶律师还希望能够在几所高校开展实务课程，教授学生们实务操作与法律技能，完成从一个法学生到律师的过渡。目前，叶律师已经在复旦大学开展了一门实务课程，未来亦期待能够与更多的高校进行合作。



**MeritsTree**  
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## TESTIMONIALS 推荐理由

**An Suiyi (Lawrence), Llinks Law Offices**  
**安随一，通力律师事务所**

"An is upright, dedicated, and meticulous in his work, and is very proficient in his field. An specializes in private equity funds, venture capital, M&A, and real estate. He has always been committed to providing clients with the most reliable solutions from the legal and business perspective and striving to maximize the benefits for clients. He is a professional and efficient lawyer, and trusted partner at work."

- Yu Weifeng (David), partner at Llinks Law Offices

"安律师正直、敬业、做事一丝不苟、对所从事的行业领域非常精通。安律师专注于各类私募基金、风险投资、公司并购和房地产等领域，始终致力于从法律和商业角度为客户提供最可靠的解决方案并努力为客户争取最大利益。安律师专业高效、客户满意度高、非常值得信赖。"

- 通力律师事务所合伙人 俞卫锋律师

**Cai Hang, AnJie Law Firm**  
**蔡航，安杰律师事务所**

"Cai Hang is among the most capable lawyers in the TMT sector. He knows the TMT industry and can provide services to clients from two dimensions: legal profession and industry knowledge. His legal opinions are valuable and down-to-earth. He has a strong sense of service and always provides outstanding services to his clients, which made him one of the most trustworthy lawyers for the clients. Some of the clients have been working with him for many years, regardless of the ups and downs in the industry. Together with his clients, Cai has developed solid win-win relationships. He is also a forward-thinking lawyer, is good at grasping business opportunities in the fierce market competition, and knows when to start to explore new business areas."

- Zhan Hao, managing partner at AnJie Law Firm

"蔡航律师是TMT领域非常有实力的律师，他的过人之处在于：第一、对于TMT行业有精辟的见解，能够从法律专业与行业知识两个维度为客户提供服务，他的法律意见有价值、接地气；第二、有超强的服务意识与能力，拥有一批行业大客户作为拥趸，无论在行业高低潮，这些客户始终对蔡律师不离不弃；也就是说，他与客户能够相互成就；第三、富有远见，知道行业的方向与风口，善于在激烈的市场竞争中捕捉到商业机会，知道如何适时开拓新领域。"

- 安杰律师事务所主任詹昊律师

**Dong Xiao (Marissa), JunHe**  
**董潇，君合律师事务所**

"Marissa has developed her expertise of TMT area and data privacy over the years in her general practice for multinational operation in China. Marissa is an outstanding lawyer and very capable in dealing with the complicated legal issues. She has been closely working and assisting partners in the firm in case of clients' needs in these areas. She is well recognised by clients not only for providing specific legal advice but also practical solutions where legal requirements are vague and the situation is complex."

- Cui Lixin, senior partner at JunHe

"多年来，董律师在跨国公司在华业务的一般业务中积累了TMT领域和数据隐私方面的专业知识。她是一名杰出的律师，处理复杂法律问题的能力非常

强。她与律所合伙人紧密配合，满足客户在这些领域的需求。她不仅提供具体的法律建议，而且在法律要求模糊、情况复杂的情况下提供切实可行的解决方案，深受客户的认可。"

- 君合律师事务所高级合伙人崔立新

**Guo Junlei, Anli Partners**  
**郭君磊，安理律师事务所**

"As the leading partner of the TMT Professional Committee of Anli Partners, Guo is recognised by clients for his outstanding services. Anli's TMT team adheres to the concept of winning clients' trust through professionalism, and advocates providing clients with all-round and profound legal services. They know new technologies, new business logic, new social forms, and new industrial patterns, provide clients with forward-looking and creative solutions, and grow together with clients. Under the leadership of Guo, the TMT team provides full-process legal services for clients in the TMT industry, covering enterprise establishment, financing, equity incentives, business model compliance, data compliance, privacy protection, and domestic and overseas listing."

- Wang Qingyou, partner at Anli Partners

"郭君磊律师作为安理律师事务所TMT专业委员会的牵头合伙人，其专业勤勉的服务赢得了客户的一致好评。安理的TMT团队一直秉持专业赢得信赖的理念，倡导为客户提供深度法律服务，他们了解新技术、新的商业逻辑、新的社会形态、新的产业格局，为客户提供前瞻性和创造性解决方案，并与企业一道洞见未来。以郭律师为牵头人的专业团队目前可以为TMT行业的客户提供全流程的法律服务，涵盖了企业设立、融资、股权激励、商业模式合规、数据合规、隐私保护和企业境内外上市等相关环节。"

- 安理律师事务所主任王清友律师

**Jiang Zhihui, King & Wood Mallesons**  
**姜志会，金杜律师事务所**

"Jiang Zhihui is very innovative, creative, and service-minded. He has worked extensively in the TMT industry such as the Internet and fintech, and has unique insights and rich experience working with projects."

- Gong Mulong, managing partner of Beijing Office of King & Wood Mallesons and member of KWM China Management Committee

"姜志会律师非常具有创新力、创造力和服务精神，他在互联网、金融科技等TMT行业深耕细作，有着独到的见解和丰富的项目经验。"

- 龚牧龙，金杜中国管委会委员、金杜北京办公室负责人

**Jin Youyuan (Ivan), Merits & Tree Law Offices**  
**金有元，植德律师事务所**

"Jin is an enthusiastic and sincere person; and he is rigorous and meticulous in his work, and always strives for excellence. He specializes in private equity investment and financing, works with me to provide complex asset management product legal services for clients. His professional excellence is greatly recognised by clients. Jin also serves as the firm's director of management committee."

Under his leadership and with the joint efforts of all colleagues, our firm has been growing rapidly and striving for excellence in all our business areas. Jin

is an outstanding TMT lawyer and a great leader of the firm."

- Long Haitao, founding partner of Merits & Tree Law Offices

"金有元律师为人诚恳热情，对待业务严谨细致、精益求精，无论是在他专长的私募投融资业务领域，还是在我合作为金融机构客户提供的复合型资管产品法律服务领域，均获得了客户的高度赞许。此外，作为植德管理委员会主任，在和全体同仁的共同拼搏下，植德发展迅速、业务领域不断完善，这些成绩的背后是金律师超出常人的努力和付出。我认为，在日益增长的市场需求和日常繁重的律所管理两者之间能够取得如此完美的平衡，实属难能可贵。"

- 植德律师事务所创始合伙人 林海涛

**Barbara Li, Norton Rose Fulbright**  
**李晓蓓，诺顿罗氏律师事务所**

"Barbara is an exceptional lawyer with a real ability to demystify the Chinese legal system for western clients. She is an extraordinary contributor to, and leader of, our tech practice in China. There is no doubt that Barbara has her finger on the pulse, she has blazed the trail in China for tech legal advice, especially in the space of tech M&A, data privacy and cybersecurity."

- Nick Abrahams, global head of technology and innovation at Norton Rose Fulbright

"李晓蓓律师是一名极具才干的优秀律师，她擅长深入浅出地向西方客户阐明中国法律制度。作为本所科技、媒体和电信业务中国地区的负责人，她为我们建立并夯实在该领域的出色业绩做出了卓越的贡献。她紧跟业内发展前沿，在并购、个人信息保护和网络安全等科技业务领域向客户提供高效优质的法律解决方案。"

- 诺顿罗氏富布莱特科技与创新业务全球主管 Nick Abrahams

**Chuan Sun, Morrison & Foerster**  
**孙川，美富律师事务所**

"Chuan's strengths as a TMT lawyer are clear to see both in the stand-alone tech work he does and in the corporate transactional work we do in the TMT sector. He has a technologist's grasp of technology and brings a strong practical approach to his work, offering clients effective business solutions to their most complex legal and regulatory issues. These attributes and Morrison & Foerster's market-leading tech practice have given Chuan the opportunity to work on some of the most cutting-edge matters in the sector since he joined the firm in 2016 and we are delighted to see this important recognition of Chuan's work."

- Paul McKenzie, managing partner of Morrison & Foerster's Beijing/Shanghai offices

"作为一名TMT律师，孙川律师的优势不仅体现于其所擅长处理的各类与技术相关业务，同时亦体现于其所深度参与的本所TMT领域的公司交易业务。他对技术拥有深厚的理解，长于运用非常务实的方法，为客户最复杂的法律和监管问题提供卓有成效的商业解决方案。自2016年加入本所以来，孙律师的个人优势和美富居于市场领先地位的TMT业务，使其有机会在TMT领域最前沿代表客户处理项目。我们很高兴看到孙律师的工作获得此次重要的认可。"

- Paul McKenzie, 美富律师事务所北京/上海管理合伙人



**俞蓉**  
 合伙人  
 yurong@hylandslaw.com

# 俞蓉律师访谈

## 1. 促使您选择TMT作为执业领域的契机是什么？

深厚的知识产权法律服务底蕴和敏锐的法律服务市场洞察力是浩天TMT团队在法律服务领域成功的关键。多年来，知识产权是浩天的优势法律服务领域，其中版权领域更是浩天的旗帜业务，而文化产业的核心是版权。1998年，我加入浩天信和律师事务所，开始从事知识产权业务。2009年，随着《文化产业振兴规划》的发布，我把视野投向文化产业法律服务。依托知识产权、公司证券等传统法律服务领域的优势，2010年，我在浩天组建TMT法律服务团队，成为所内第一个服务特定行业的法律服务团队。在我的牵头下，浩天组织所内专业法律人才梳理TMT法律服务产品、与国内外知名TMT律所进行交流互访、参加各种国内国际活动、深入进行行业研究，使浩天能够在TMT领域提供专业、全面、务实的法律服务，获得客户的广泛认同。与此同时，浩天TMT团队还为国内TMT企业培养、输出了一批TMT法律服务专家，十年耕耘，奠定了浩天在TMT领域的行业声誉，更坚定了我带领浩天TMT团队开拓新兴法律服务市场的信心。目前，浩天TMT团队已经整合所内TMT、知识产权、刑事合规等领域专业人才，在网络安全、体育、电竞等新兴领域法律服务市场开启新的征程，未来可期。

## 2. 您在执业过程中遇到的让您印象深刻的重大挑战是什么，您是如何克服和解决的？

2003年，各地政府为了推动当地旅游文化产业发展，逐步将民俗文化与现代艺术形式相融合的山水实景演出开发为旅游项目，“印象”系列应运而生，成为引人注目的经济文化形象。我受张艺谋导演委托，为“印象”系列实景演出项目提供包括法律架构安排、融资、项目运营在内的全流程法律服务。

实景演出项目的开发、运营涉及多领域、全方位的法律问题，包括用地及规划审批、项目核准、多类艺术元素的法律定性和授权、外资准入、税收、知识产权保护等。面对这一挑战，一方面，要借助丰富、扎实的专业知识储备，迅速把握项目的核心法律风险；另一方面，要积极开展跨专业、跨团队合作，协同为客户提供综合法律服务。

## 3. 互联网技术的进步催生了诸多新兴产业。这会给TMT律师带来哪些新的机遇和挑战？

技术发展日新月异，极大拓展了TMT行业的深度和广度。法律法规具有滞后性，难以直接适用于人工智能、区块链、云计算、大数据等新领域。TMT律师需要做到“一动一静”。一动，系指律师要时刻把握行业动态，分析行业发展趋势；一静，系指律师要了解产业的技术背景，不断积累法律专业知识，并将传统法律知识应用到新的领域中。成为一名优秀的TMT律师，关键是学会在持续的变化中保持对TMT行业的前瞻性，并不断更新专业知识。

## 1. What prompted you to devote yourself into Technology, Media and Telecom industry?

The success of the Hylands TMT team attributes to extensive practical experience in the field of intellectual property and keen insight into the market. Over the years, Hylands has been widely recognized as a leading firm in intellectual property law. Particularly, copyright law, which is the essence of culture industry has been regarded as Hylands' banner practice. In 1998, I joined the Hylands law firm, practicing intellectual property law. With the release of Plan on Reinvigoration of the Culture Industry in 2009, I turned my attention to focusing on providing legal service for the culture industry. On account of Hylands' advantage in traditional legal practice such as intellectual property, corporate and securities, I set up the TMT team in 2010, which has become Hylands' first team concentrating on providing legal service for a specific industry. Under my guidance, Hylands has organized a group of legal professionals to develop TMT legal service products, visit well-known domestic and foreign TMT law firms, participate in a variety of domestic and international activities and conduct in-depth industry research, which enables Hylands to provide professional, comprehensive and practical TMT legal services, gaining wide recognition of clients. At the same time, the TMT team has also trained numbers of legal experts for domestic TMT enterprises. Ten years of hard work has established the reputation of the Hylands in the TMT field and thus strengthened my confidence in leading the team to explore the emerging market. Currently, the TMT team has consolidated with professionals from various practice areas such as TMT, intellectual property, criminal compliance, etc., and has embarked on a new journey in emerging markets such as Cyber Security, sports, Electronic Sports, etc. The future of Hylands TMT team is no doubt promising.

## 2. Could you share the most impressive challenge you have faced in your career? How did you overcome it?

In 2003, in order to promote the development of local tourism and culture industry, local governments gradually developed live outdoor performance as a tourist attraction with the combination of folk culture and modern art. Under this background, the live outdoor performance titled "Impression" emerged and became a well-known economic and cultural image. Assigned by Director Zhang Yimou, I provided full-process legal service for the live performance "Impression", including legal framework arrangement, financing and project operation, etc. The development and operation of a live outdoor performance project involves a wide range of legal issues, including approval of land and land use plan, approval of construction project, legal classification and authorization of various artistic elements, admission of foreign investment, taxation, intellectual property protection, etc. When facing with this challenge, on one hand, we should identify the core legal risks of the projects by virtue of abundant and solid expertise. On the other hand, we should actively establish cross-department and multi-team cooperation in order to provide comprehensive legal service for clients.

## 3. The advances in the field of Internet technology has led to the emergence of many new industries. In what way will this affect TMT lawyers?

The rapid development of technology has greatly expanded the depth and scope of the TMT field. Laws and regulations, which are difficult to apply directly to new fields, such as artificial intelligence, blockchain, cloud computing, big data, cannot keep up with such development. TMT lawyers need to keep updated and accumulate practical experience. On one hand, TMT lawyers should keep track of new development and analyze the development trend of the TMT industry. On the other hand, TMT lawyers should understand the technical background of the TMT industry, continuously accumulate legal expertise, and apply traditional legal knowledge to the new fields. The key to become an excellent lawyer mainly practicing in TMT field is to have foresight of the TMT industry and keep updated with professional knowledge in the face of continuous changes.

## TESTIMONIALS 推荐理由

**Wang Yinan (Ian), DeHeng Law Offices**  
**王一楠, 德恒律师事务所**

"As the head of our technology business committee, Wang is one of the few of our many excellent partners who have always been focusing on the cutting-edge development of technology and explore the legal issues involve. He keeps his finger on the pulse of technology development, industry trends, as well as the market and business trends, and he has deep understanding of regulatory requirements. These attributes enable him to provide forward-looking and constructive solutions to TMT companies, especially those are faced with legal challenges due to technological innovation. With his great insights, solid legal skills and profound experience, Wang is among the undisputed experts in the field."

- Xu Jianjun, partner and deputy director of DeHeng Law Offices

"作为我们律所科学和技术业务委员会的主要负责人, 王一楠是我们众多优秀合伙人中少有的几个能一直专注技术前沿发展并愿意深入研究所涉及法律问题的律师之一。他熟悉技术路线、行业动态、市场和业务发展趋势。这些结合他对监管要求的深刻理解使之能为TMT企业, 特别那些因技术创新而面临法律挑战的企业, 提供具有前瞻和建设性的解决方案。开阔的国际视野、扎实的法律功底、以及长期的行业深耕使之成为该领域当之无愧的领军人物。"

- 徐建军 北京德恒律师事务所 副主任

**Wu Xiaoliang, CM Law Firm**  
**吴小亮, 澄明则正律师事务所**

"I have worked with Wu for many years, and we worked together on many projects. Wu has profound legal skills and is quick thinking; and her capability to creatively solve legal problems makes her stand out. She is a great TMT lawyer who pursues excellence in her work all the time. The cases she has handled have become industry models in terms of complexity and creativity of legal technology. She is also a good leader. Under her leadership, CM Law Firm is developing towards a firm that provides the best services to clients in the internet-related sectors and gives broad space for young lawyers to grow."

- Li Qin, partner at CM Law Firm

"我与吴小亮律师共事多年, 与吴律师在很多项目上均有着密切的合作。在法律专业方面, 吴律师法律功底扎实、思维敏捷, 拥有创造性地解决法律问题的突出能力, 深受客户广泛好评, 尤其是在TMT领域, 她对于业务专业性极致追求, 其所参与的项目无论在复杂性以及法律技术的创造性上屡屡成为业内典范; 在事务所管理方面, 吴律师始终带领团队致力于将事务所打造成为向互联网行业客户提供最优质服务、给年轻律师提供最广阔发展空间的新锐律师事务所。"

- 李勤 澄明则正律师事务所 合伙人

**Ye Yusheng, Jingtian & Gongcheng**  
**叶玉盛, 竞天公诚律师事务所**

"Ye is a true professional with an innovation mindset. He is a trusted partner of clients. High efficiency, professional, dedication, and practical are his practice standards. It is an honour to work with Ye."

- Gao Xiang, partner and member of management committee of Jingtian & Gongcheng

"非常钦佩他的专业精神、开拓创新的思维, 以及

为客户负责的认真态度。'高效'、'专业'、'敬业'、'务实'的执业水准, 在赢得客户信赖和赞誉的同时, 也为深得同事钦佩、敬仰。"

- 竞天公诚律师事务所管委会成员、合伙人 高翔

**Yu Hongwei, Zhong Lun Law Firm**  
**于宏威, 中伦律师事务所**

"Hongwei has been specializing in investment and M&A in the TMT sector, and is one of the backbone partners of Zhong Lun's TMT business. Hongwei is very professional and has many well-known clients. He successfully handled many classic projects in the market, and enjoys a high reputation in the industry, and has made considerable contributions to improving Zhong Lun's competitive positioning in the TMT market. Hongwei also makes much of the growth of lawyers, and spends time mentoring them. He sets a good example for being a true professional and good leader. He is a good lawyer and a good partner at work."

- Zhang Xuebing, founding partner of Zhong Lun Law Firm

"宏威律师长期专注于TMT领域的投资并购业务, 是中伦TMT业务的骨干合伙人之一。在业务上, 宏威律师专业性非常强, 拥有众多知名客户, 完成过诸多市场典型项目, 在业界享有很高的美誉度, 为中伦TMT业务市场地位的进一步提升做出了相当的贡献。同时, 宏威律师在工作中亲力亲为, 关注团队律师的成长, 培养了一支战斗力很强的团队, 在敬业精神与团队管理上都起到了表率作用, 是一名不可多得的好律师、好同事。"

- 张学兵 北京市中伦律师事务所创始合伙人

**Yu Rong, Hylands Law Firm**  
**俞蓉, 浩天信和律师事务所**

"Yu Rong has a strong sense of responsibility and a strong sense of service for clients. She has profound legal skills. Moreover, she has extensive experience in the TMT sector and business acumen, enabling her to provide clients with effective legal solutions. In the face of the rapidly changing TMT industry, Yu works hard to help her clients better respond to changes in policies and market environment, and create value for clients; and meanwhile, she continues to participate in and promote the improvement and development of the TMT industry and related legal services."

- Liu Hong, a lawyer

"俞蓉律师对客户和工作具有极强的责任心与服务意识。她不仅具有扎实的法律专业基础, 更难得地是具有TMT行业丰富的市场经验和敏锐的商业洞察力, 能结合法律技能与商业视角, 为客户提供切实有效的法律解决方案。尤其是, 面对急剧变化和发展的TMT行业, 俞蓉律师能秉持开拓精神, 协助客户更好地应对政策和市场环境变化, 并在为客户创造价值的同时, 不断参与并促进TMT行业及相关法律服务完善和成长。"

- 刘鸿律师

**Zhang Xinyang (Andrew),**  
**Commerce & Finance Law Offices**  
**张新阳, 通商律师事务所**

"Zhang Xinyang is knowledgeable about the TMT sector of the new economy. He keeps abreast of various innovative business models and complex business needs in the TMT sector. On the strength of his profound understanding of TMT's various

business models, Zhang always provides clients with innovative and practical business solutions that consider complex business needs and can be legally implemented, making Zhang a highly respected lawyers by clients and in the industry. Zhang is an outstanding TMT lawyer with good business sense. It is a honour to work with Zhang. He is a great asset to our firm."

- Wu Gang, partner and chairman of management committee of Commerce & Finance Law Offices

"张新阳律师一直专注于新经济TMT领域, 紧密跟踪和掌握TMT领域各种创新的商业模式和复杂的商业需求。结合其对TMT各种商业模式和现实问题的深刻理解, 张律师总是能够为客户提供兼顾复杂商业需求又能在法律和现实层面合规落地的创新商业解决方案。正是由于这点, 张律师备受客户和业界推崇, 是一位十分难得的融合商业和法律的复合型卓越TMT律师。我们为拥有张律师这样的优秀合伙人而感到骄傲。"

- 通商律师事务所管理委员会主任吴刚律师

**Zheng Xiaodong, Jincheng Tongda & Neal**  
**郑晓东, 金诚同达律师事务所**

"Zheng is a senior partner of our firm, with excellent business skills and strong comprehensive capabilities. He serves as the managing partner of the firm. Since joining JT&N in 2009, Zheng has been specializing in reorganization and mergers and acquisitions, securities and capital markets, cross-border investment, TMT, private equity and venture capital. And He handled as the lead lawyer many large projects with great industry-wide influence for clients, providing all-round, premium, professional, innovative and efficient legal services to clients. Zhang is also committed to the firm development and team building, as well as mentoring young lawyers. The firm now has a group of very capable young lawyers with international vision and multi-jurisdiction knowledge, who are diligent and responsible. Zheng also led the establishment of a strict quality control system, and the building an internal multi-level resource allocation service platform, through which the firm integrates its domestic and overseas advantageous resources to help Chinese and international clients evaluate investment environment and identify investment risks, and provide them with effective solutions and customized services."

- Pang Zhengzhong (Jason), founding partner of Jincheng Tongda & Neal

"郑晓东律师是本所业务精湛、综合能力极强的高级合伙人, 同时也是我们非常优秀的新生代管理合伙人。郑律师自2009年加入金诚同达以来一直专注于重组并购、证券与资本市场、跨境投资、TMT、私募与风险投资等业务, 主办了众多在业界极具影响力的大型项目, 为客户提供全方位、优质、专业、创新、高效的法律服务, 得到了众多客户的一致赞誉。同时, 郑律师致力于律所建设, 特别是团队建设, 培养了一批兼具国际化视野与多法域知识背景、勤奋负责且专业能力的青年律师。另外, 郑律师牵头建立了一套严格的质量控制制度, 通过以项目需求为导向、以专业研究为基础、以多边合作方式组织实施, 致力于在所内搭建多层次资源配置服务平台, 并通过联合海内外优势资源, 协助中国乃至全球客户在投资、合作、并购、融资过程中, 评估投资环境, 识别投资风险, 提出应对策略, 并提供专业化、个性化的系统服务。"

- 庞正忠律师, 金诚同达律师事务所创始合伙人

競天公誠律師事務所  
JINGTIAN & GONGCHENG

## 跟紧TMT行业发展、领跑TMT法律服务 ——专访竞天公诚律师事务所合伙人叶玉盛律师

Keeping abreast of the cutting-edge development  
of TMT industry to enable clients to stay at  
the forefront

—Interview with Ye Yusheng, partner at Jingtian & Gongcheng



叶玉盛 Ye Yusheng  
竞天公诚合伙人  
Partner at Jingtian & Gongcheng  
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**ALB: 在多年办理案件的过程中,您认为TMT行业近年来经历了怎样的发展,表现出怎样的趋势?**

**叶玉盛律师:**随着移动互联网的发展,TMT行业正经历巨大变革。互联网+正在改变包括娱乐、零售、金融、医疗等在内的多个行业,并且流量的变现模式也正在被深挖。视频直播、网红经济等新的商业模式走进了现实世界。TMT行业在最近几年迎来了发展的“黄金年代”。

在未来三到五年内,人工智能和5G技术的结合将为新一代设备的出现提供动力。这些新一代设备将会重新定义“智能”这个词:首先,新设备的用户界面将基于触摸和语音界面并行工作;其次,不再使用分散的应用程序来满足用户需求,而是应用人工智能驱动的算法来预测和推断用户的意图。未来,TMT行业中最具有AI潜力的三个板块将集中在科技、娱乐及电信行业。

**ALB: 近年来,TMT行业法律法规的制定和行业监管发生了哪些重大变化?**

**叶玉盛律师:**首先,TMT行业的法律监管不可避免地会出现一定的滞后性,例如前几年P2P平台非常的火爆,但是相应的监管措施尚未落地,市场上出现了很多的乱象,但随着P2P监管措施的陆续出台,行业乱象得到了整治;其次,TMT行业的法律监管也越来越精细化,例如,在电商领域,出台了《电子商务法》;在区块链领域,出台了《区块链信息服务管理规定》,等等。法律监管正在深入TMT行业的方方面面。

**ALB: 作为一名在TMT行业经验丰富、硕果累累的律师,您是如何不断适应这些行业发展带来的变化的?在办理案件的过程中,您总结出哪些成功经验?**

**叶玉盛律师:**一方面,我会关注TMT行业最新的发展,保持“好奇”的心态,跟上时代的脚步;另外一方面,在每一个关于TMT行业的法律新规发布之后,我也会进行学习,了解最新的监管动态,以适应TMT行业变化与发展。

至于我的经验,首先,业务模式是重中之重,在与客户沟通与交流的时候,第一要义就是只有深入理解客户的业务模式,我们才能够进一步判断如何搭建架构以及合法合规的经营需要的资质证照的类型;其次,要了解客户的需求,站在客户的角度去思考问题,并帮助客户切实地去解决问题。如何解决问题也是一个大学问,我通常会进行多角度的思考,为客户提供几个不同的解决路径,让客户选择其觉得可以做得到的方式;最后,律师是一门精细活,并且法律的发展也是日新月异,每一个新的法律法规都可能影响律师对于业务合规性的判断。因此,我会让团队成员在新的法律法规出台之后去撰写相关的解读文章,并在团队内分享学习心得,使得整个团队都能够紧跟法律发展的步伐。

**ALB: 未来五到十年,您个人有何发展规划?**

**叶玉盛律师:**首先,我希望能够出版一本关于TMT行业的书,梳理TMT行业的监管脉络以及一个TMT企业如何从零走向IPO;其次,我希望能够在几所高校开展实务课程,使得学生能够在学校里学习到实务操作与法律技能,帮助其完成从一个法学生到律师的过渡。目前,我已经在复旦大学开了一门实务课程,未来希望能够与更多的高校进行合作。

**ALB: According to your experience, what developments and trends have you witnessed in the TMT industry in recent years?**

**Mr. Ye Yusheng (Ye):** The TMT industry is undergoing tremendous changes. The Internet plus is changing many industries and sectors, such as entertainment, retail, finance and medical care. Meanwhile, the ways of monetizing live streaming keeps being explored. New business models such as live streaming and the Internet celebrity economy are gaining momentum in the real world. The TMT industry has entered into a “golden age” in recent years.

In the next three to five years, the combination of AI and 5G technology will give impetus to the emergence of a new-generation devices, which will redefine the word “intelligence” by, firstly, working based on both touch screen and voice user interfaces; and secondly, integrating various apps to meet user needs based on predictions derived from AI-driven algorithms. In the future, the three high-potential sectors for AI in the TMT industry are technology, entertainment and telecommunications.

**ALB: In recent years, what major changes have taken place in the TMT industry legislation and regulation?**

**Ye:** It is inevitable that there is “law lag” in the regulation of the TMT industry. For example, the P2P platform was very popular in the past few years, but there was no corresponding regulatory measure in place, resulting in market chaos, which, however, has been gradually cleaned up since the promulgation and implementation of P2P regulatory measures. Furthermore, the regulation of the TMT industry has become more specific, for example, regulatory authorities have promulgated the E-commerce Law to regulate e-commerce related matters, and in the field of blockchain, the Administrative Provisions on Blockchain Information Services has been introduced. Authorities are implementing in-depth regulatory measures in all aspects of the TMT industry.

**ALB: As an experienced TMT lawyer with great fulfillments and achievements, how do you accommodate yourself to the changes brought about by the development of the industry? What are the keys to your success?**

**Ye:** Paying attention to the up-to-date developments in the TMT industry, remaining relentlessly curious, and keeping up with the times, these are very important; moreover, it is also important to keep abreast of the up-to-date regulatory trends to accommodate myself to the changes and developments of the TMT industry, for example, I would carefully study each newly promulgated laws and regulations concerning the TMT industry.

According to my experience, the business model is the top priority. Learning about the client's business model can help us determine how to build the structure, and the qualifications and credentials required for compliance operation; secondly, we need to understand the needs of the clients, and perceive issues from the clients' perspective, to provide clients with practical and effective solutions. I usually give clients multiple solutions based on different perspectives, so that clients can choose the most feasible and practical one. Being lawyers, we need to give attention to details, and meanwhile keep up with changes in laws and industries. Each new law and regulation may affect the lawyer's judgment on business compliance. Therefore, I ask my team members to write relevant analysis articles after reading those newly introduced laws and regulations, and then share with the whole team what they have learnt, to help the whole team keep up with the pace of legal development.

**ALB: What are your personal development plans for the next five to ten years?**

**Ye:** First, I hope to publish a book on the TMT industry, sorting out the regulatory context of the TMT industry and how a TMT start-up company goes public; secondly, I hope to be able to provide practical courses in colleges and universities to help students gain practical operation and legal skills, so as to help students grow into a competent lawyer. I am currently teaching legal affairs course at Fudan University, and hope to work with more universities and colleges in the future.