

Ken (Jianmin) Dai

Partner



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Shanghai

D +86 21 5878 1965

M +86 139 1611 3437

jianmin.dai@dentons.cn

Overview

Ken Dai is the Co-Chair of the Antitrust Practice Group of Dentons China. As one of the first lawyers focusing on antitrust law in China, Ken has more than 10 years of practical experience in this area. Besides, He is also one of the pioneering lawyers practicing law in the area of data protection, privacy and cybersecurity in China. He started offering professional legal services for quite a number of multinational corporations and large enterprises in respect of the application and enforcement policies of data and privacy laws in 2012, a time before the Cybersecurity Law of China promulgated.

In the area of antitrust and competition, Ken has led his team to provide comprehensive antitrust legal services for numerous multinational corporations and large domestic enterprises, including but not limited to: dealing with antitrust public enforcement, antitrust compliance, concentration filings, private antitrust litigations as well as legal issues involving the intersection of antitrust and intellectual property.

In the area of data protection, privacy and cybersecurity, Ken has rich experience in various aspects, including but not limited to: reviewing and revising privacy policies; analyzing the feasibility of business modes from the perspective of data and privacy protection; issuing compliance opinions on cross-border transfer of data; employees' privacy compliance; due diligence in M&A, and; cutting-edge issues in big data and competition.

In addition, Ken also has extensive practical experience in the areas of anti-corruption and anti-commercial bribery, trade and export control.

Ken earned his LL.M. and LL.B. from the University of Bristol, UK, and the China University of Political Science and Law in Beijing respectively. His working languages include Mandarin, English and Cantonese. Currently, Ken is an Antitrust Committee Member of the International Bar Association (IBA), a Competition Law Committee Member of the Inter-Pacific Bar Association (IPBA), a Councilor of the Asian Competition Association (ACA), a Council Member of the Competition Law Committee of the Shanghai Law Society, a Member of the Asian Competition Forum, and an Adjunct Professor at Shanghai Jiaotong University, KoGuan School of Law.

In 2019 and 2020, Ken was successively rated as a recommended lawyer in the antitrust field by the world-renowned rating institution *The Legal 500*. In 2020, he was awarded Rising Star in the field of antitrust and competition law by *Asialaw Profiles*. In 2018, Ken was awarded Asia Leader in Antitrust and Competition Law of 2018 by *Asialaw Profiles*. In 2017, he was ranked as one of the 2017 Client Choice Top 20 Lawyers in China by *Asian Legal Business (ALB)*, Competition Lawyer of the Year in China by *Corporate INTL*, and Leading Lawyers in

both areas of Antitrust and Corporate/M&A by *Asialaw Profiles*. In 2016, Ken was recommended as “External Counsel of the Year” by In-House Community and Leading Lawyer by *Asialaw Profiles* in the Antitrust & Competition area. In 2013, Ken was rated as Competition Lawyer of the Year in China by *Lawyer Monthly*.

In addition, the Antitrust Practice Group of Dentons China co-led by Ken also won a number of awards in the antitrust area: Highly Recommended Antitrust Firm in China of six consecutive years (2015-2020) by *Global Competition Review (GCR)*; *Elite Ranking* (Global Top 25 Firms) and Top 10 firms for Cartels by *GCR* in 2019 and 2020; Best Law Firm in Antitrust Practice in China by both *DealMaker* and *Corporate INTL* in 2018; Antitrust Law Firm of the Year in China by *DealMaker Monthly* in both 2016 and 2017; Best Recommended Competition & Antitrust Law Firm by *The Legal 500* in 2016; Top Ranked PRC Antitrust & Competition Law Firm in *Chambers & Partners Asia-Pacific* Guide three years in a row from 2014 to 2016; nominated by *ALB* for Antitrust Law Firm of the Year in China in 2014; Antitrust & Competition Law Firm of the Year in China by *Finance Monthly* in 2014; Competition Law Firm of the Year in China by *Corp INTL* in 2014; Antitrust & Competition Law Firm of the Year in China by *Finance Monthly* in 2013, and; Competition Law Firm of the Year in China by *Acquisition Finance* in 2013.

In addition, with his outstanding performance and good customer reputation in data protection, privacy and cybersecurity, Ken’s team won Dentons China numerous awards in this area: Data Protection & Privacy Law Firm of the Year in China and Cybersecurity Law Firm of the Year in China by *Corporate INTL Global Awards Winner 2020*; Data Protection, Privacy and Cybersecurity Law Firm of the year in China by *Global Law Experts* in 2019; Cybersecurity Law Firm of the Year in China rated by *Corporate INTL* in 2019, and; the 2019 Annual Award in the field of data and privacy protection recognized by *China Business Law Journal*. In addition, Ken and his team also won the Global Awards rated by *Corporate LiveWire* in 2018.

Experience

- **NASDAQ-listed travel company:** Advised it on antitrust issues in its daily operations and business model.
- **Top international luxury group:** Advised the group on its antitrust compliance policy in the Asia Pacific region.
- **Freight forwarding company:** Advised it on dealing with antitrust class action in the United States and won the case at the motion-to-dismiss stage.
- **World-leading Japanese medical device company:** Advised it on its proposed distribution arrangement in China, mainly including bundling practice and vertical restriction on the platform distributor.
- **Internet company:** Advised it on coping with antitrust public enforcement in China concerning abuse market dominance.
- **NASDAQ-listed Internet company:** Advised it on a range of issues in data protection, privacy and cybersecurity.
- **World well-known life science company:** Advised it on conducting comprehensive review on its data compliance and privacy policy in China, including without limitation self-assessment on Critical Information Infrastructure Operator, review of privacy policy, review of the activities of CRM and R&D.
- **Leading global logistics company:** Advised it on setting up the data compliance and conducting the review on various commercial arrangements from the perspective of data protection and privacy.
- **Japanese medical device company:** Advised it on the data protection and privacy issues pertaining to its marketing strategies for Chinese patients.
- **European car maker:** Advised it on collecting Chinese customers’ data and transferring the data from China to the EU.

Recognition

- *The Legal 500* 2019 & 2020: Recommended Lawyer in Antitrust.
- *Asialaw Profiles* 2020: Rising Star in Antitrust and Competition.
- *Asialaw Profiles* 2018: Asia Leader in Antitrust and Competition.
- *Asian Legal Business* 2017: Client Choice Top 20 Lawyers in China of the Year.
- *Corporate INTL* 2017: Competition Lawyer of the Year in China.

Insights

- Co-author, "The Chinese State Administration for Market Regulation Releases Its Draft Proposing Amendments to the Chinese Anti-Monopoly Law," *Concurrences, e-Competitions Bulletin*, January 2 2020
- Co-translated, "EU Merger Control: A Legal and Economic Analysis," *The Law Press*, 2018 [Chinese]
- Co-author, "Managing Distribution and Antitrust Compliance Issues in China: Post Medtronic & GM," *CPI Asia Column*, February 2017
- "A Review and Introduction of the Report 'Big Data: A Tool for Inclusion or Exclusion'," Digital Market Competition Policy Research, *The Law Press*, 2017 [Chinese]
- Co-author, "National Development and Reform Commission's Record Penalty Rewriting World Antitrust Landscape - A Review of Qualcomm Cases," Issue 03, *China Price Regulation and Antitrust*, 2015 [Chinese]

Activities and Affiliations

- Antitrust Committee Member, International Bar Association (IBA)
- Competition Law Committee Member, Inter-Pacific Bar Association (IPBA)
- Councilor, Asian Competition Association (ACA)
- Council Member, Competition Law Committee, Shanghai Law Society
- Member, Asian Competition Forum
- Adjunct Professor, Shanghai Jiaotong University, KoGuan School of Law

Prior and Present Employment

- Partner, Dentons Shanghai office, 2011-Present
- Partner, Zhongyin Law Firm Shanghai Office, 2009-2010
- Senior associate, Win&Sun Law Offices, Shanghai, 2006-2008
- Junior associate, Llinks Law Offices, Shanghai, 2003-2006

Areas of focus

Practices

- Competition and Antitrust
- Privacy and Cybersecurity

- White Collar and Government Investigations
- Litigation and Dispute Resolution

Industry sectors

- Automotive
- Life Sciences and Health Care
- Information Technology (IT)
- Manufacturing

Education

- University of Bristol, 2003, LL.M.
- China University of Political Science and Law, 2002, Bachelor of Laws

Admissions and qualifications

- China