

出國報告(出國類別：開會)

出席美國律師協會於新加坡舉辦 之2025年亞太會議報告

服務機關：公平交易委員會

姓名職稱：陳志民 代理主任委員

赴派國家/地區：新加坡

出國日期：114年2月27日至3月1日

報告日期：114年5月26日

摘要

本會陳代理主任委員志民(下稱陳代理主委)受邀赴新加坡出席由美國律師協會(American Bar Association, ABA) 於本(2025)年2月26日至3月1日舉辦之「2025年亞太會議(2025 Asia-Pacific Conference)」，陳代理主委因公務繁忙僅出席擔任與談人之2月28日「隱私及競爭法交錯－相互強化或彼此衝突」(Privacy and Competition Laws – Mutually Reinforcing or Conflicting?)及當日相關會議，會中陳代理主委向與會者介紹我國隱私保護的法制現況，包括2012年施行的「個人資料保護法」及2023年12月成立之「個人資料保護委員會籌備處」，並進一步分享本會隱私保護實務作法，即如何將「隱私保護」視為事業爭取潛在交易機會的手段，並以合資設立網路銀行案件為例，說明本會係先界定是否存在「隱私競爭」的市場，再分析相關行為是否會限制市場中提供隱私保護的誘因與機會。

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壹、會議目的

美國律師協會(American Bar Association, ABA)每年均就反托拉斯相關議題舉辦研討會，出席人員大多為競爭法及消費者保護領域之執法官員、學者、法務人員、從業律師及企業人士等，為競爭法兼具學術及執法實務之知名國際會議。

2025年亞太會議(2025 Asia-Pacific Conference)於本(2025)年2月26日至3月1日在新加坡管理大學(Singapore Management University)舉行，本會向來積極參與競爭法國際組織相關活動，為提高我國於競爭法社群之貢獻，除積極參與各項國際會議，亦爭取擔任與談人(Speaker)並參與討論，同時汲取先進國家執法經驗，強化我國競爭法案件之執法效能。

另本次會議為期4日，陳代理主委僅出席2月28日當日之3場次相關會議，其中於「隱私及競爭法交錯－相互強化或彼此衝突」(Privacy and Competition Laws – Mutually Reinforcing or Conflicting?)場次擔任與談人，上述參與之3場次會議過程及重點，分述如下。

貳、會議過程

一. 第1場次：「隱私及競爭法交錯－相互強化或彼此衝突」(Privacy and Competition Laws – Mutually Reinforcing or Conflicting?)

(一)有鑑於亞太地區各國近年來紛紛制定或強化資料隱私法的保護規定，另國際間亦針對數位平臺的競爭議題，開始有國家採行或研究是否應採取事前管制之立法，本場次探討二者交錯議題及彼此是否具有相輔相成或互相衝突的關係，本場次主持人係比利時Compass Lexecon顧問公司之競爭法經濟學家Dennis Beling先生，與談人計有陳代理主委、新加坡Meta公司競爭法主管Ruth Chen女士(下稱Chen女士)，中國漢坤律師事務所律師Zhichao Kevin Duan先生(下稱Duan律師)，以及美國Cleary Gottlieb Steen & Hamilton公司律師Cunzhen Huang女士(下稱Huang律師)。

(二)Huang律師首先介紹歐盟及亞太經濟合作(APEC)成員國關於資料隱私和競爭之最近發展，指出歐盟是整合隱私保護到競爭法體系內之全球先驅，其中較為人所知者，如歐盟2018年「一般資料保護規則」(General Data Protection Regulation, GDPR)之立法，歐盟及其會員國執行GDPR的經驗，

讓歐盟及其會員國可在後續的「數位市場法」(Digital Market Act, DMA)中引入與資訊保護相關規定。Huang律師接著簡要介紹最近歐盟跨越隱私保護和競爭法案例，如2020年Google公司收購Fitbit公司案、歐盟法院2021年Meta平臺案判決以及法國競爭委員會(Autorité de la concurrence)調查Apple公司「應用程式追蹤透明」(App Tracking Transparency, ATT)計畫等。另外，英國也有和歐盟同樣積極的執法作為，如「數位市場、競爭及消費者法」(Digital Markets, Competition and Consumers Act, DMCCA)，又英國競爭及市場管理局(Competition and Market Authority, CMA)是英國競爭法主管機關，主要職掌為競爭法，有關隱私保護部分是由資訊委員辦公室(Information Commissioner's Office)來執法，而Google公司隱私沙盒案則是該辦公室最近曾處理的涉及隱私及競爭法案例。

(三)在亞太地區中，中國「個人信息保護法」(Personal Information Protection Law)在2022年4月已正式生效，同年中國也一併修正「反壟斷法」，可謂係承認數據資料對競爭之重要性，並明文禁止濫用數據資料來遂行反市場競爭行為。

(四)許多APEC國家也都有和歐盟類似的立法與執法發展，分述如下：

1. 澳洲：

該國隱私法(Privacy Act)目前正在進行大規模修正，同時亦正在進行制定類似DMA法規的公眾徵詢過程。

2. 日本：

個人資料保護法(Act on the Protection of Personal Information)也在2022年4月1日進行修正，擴大受保護的資料類型及提高對個人和事業之刑事責任，同時亦於2019年對數位市場競爭進行市場調查及公眾意見徵詢。

3. 韓國：

於2020年修正「個人資料保護法」(Personal Information Protection Act)以與GDPR同步，修正部分如賦予韓國隱私主管機關可對侵害隱私行為科處罰鍰之權力。同時韓國公平交易委員會(KFTC)近來也針對數位市場進行相關立法及更新指導原則等作為。

4. 印度：

在2023年至2024年間，印度針對隱私及競爭領域上有部分主張之發展值得注意，如2023年8月印度即制定「數位個人資料保護法」(Digital Personal Data Protection Act)，而印度競爭委員會(Competition Commission of India，CCI)也針對包含電信在內的市場進行調查。另CCI在2021年的報告中指出：「雖然隱私可視為一項非價格的競爭，但競爭分析也必須同時注意到消費者在面對支配事業的行為時，可以自由選擇的程度高低。」

5. 新加坡：

新加坡競爭及消費者委員會(Competition and Consumer Commission of Singapore，CCCS)在2019年與新加坡個人資料保護委員會(Personal Data Protection Commission，PDPC)針對如何在消費者隱私和促進創新間取得平衡進行共同研究，其研究成果也促成2021年新加坡相關隱私法規之修正，如增訂違反隱私保護規定者之罰鍰最高可達該公司年營業額之10%、資料可攜義務以及強制資料違規報告要求等相關規定。

(五)Duan律師則從法規架構來介紹中國關於隱私保護與競爭法的現行制度，表示中國已將資料隱私整合到更廣泛的法規架構中，中國主要的隱私保護法規「個人信息保護法」(Personal Information Protection Law)中所建立的保護原則已被納入「電子商務法」(Electronic Commerce Law)，主要聚焦在規範大型數位事業侵害隱私行為。2022年的反壟斷法修正條文已將數據、演算法及平臺規則納入獨占力濫用行為可能出現的主要領域，特別是反壟斷法第9條及第22條禁止支配事業濫用其數據趨勢的優勢，例如控制數據近用或是演算法操縱等。另在規範的同時，中國也將數據視為「生產要素」，並據此建立了國家數據局(National Data Bureau)及區域數據交換制度。這種既鼓勵數據趨勢經濟發展的同時，也管制數據被濫用的情形，反映了中國試圖在經濟成長與市場公平間取得平衡的嘗試。Duan律師最後表示上述中國所為對事業的啓示，在於掌握重要與關鍵數據及演算法的事業，其因而被認定為具有市場力量事業的可能性愈來愈高，故該等事業須特別注意數

據及演算法授權或拒絕近用安排的法律風險。

(六)陳代理主委發表看法，首先向與會者說明我國在2012年所制定的「個人資料保護法」，以及2024年8月所成立的「個人資料保護委員會籌備處」，簡要說明我國對於個人隱私保護的法制架構現況，並向與會者介紹實務上本會處理隱私議題的相關作法，並以本會幾年前所處理之網路銀行為例，本會將「隱私保護」的提供視為事業爭取潛在交易機會的手段，先檢視在所涉個案是否存在「隱私競爭」的市場，再判斷涉案行為或商業安排是否會限制競爭者間提供隱私保護的機會，或是降低競爭者間提供隱私保護的誘因。就介紹我國實務上的現況後，陳代理主委再從3大面向表達個人對目前國際間討論隱私與競爭法交錯議題的看法，分述如下：

1. 首先，類似像「個人資料保護法」的預防式(proactive)立法，事先明定相關的具體義務與處罰固可提供事業遵法的明確性，但問題在於這類立法通常需要立法者能夠掌握足夠關於不同個人重視與需要隱私被保護程度之立法資訊，但這類資訊具有高度主觀性取得不易，因此，這類型立法可能都潛藏著過度嚇阻或嚇阻不足的問題。
2. 其次，當「隱私保護」是競爭法主管機關在個案審查過程中，有義務要考量的獨立(stand-alone)因素，即不是把隱私保護看成是非價格競爭手段時，「過度嚇阻」或「嚇阻不足」的問題會更加明顯。這是因為前者的執法立場是建立在競爭法主管機關可正確判斷被侵害的個人資料對於市場競爭是必需的。如上所述，基於隱私保護的高度主觀性，競爭法主管機關更難去認定某一項不當使用個人資料的行為已構成對特定個人隱私的侵害，以及更進一步去判斷個人的隱私侵害也將對市場競爭造成損害。
3. 最後指出，隱私保護與競爭法間存在執法的潛在衝突，陳代理主委以本會刻正調查之Apple公司要求App Store的使用者只能在站內購買(in-app purchase)的案子為例，Apple公司主張的合理事由之一即是開放站外購買，將使第三方的App開發者可以取得和濫用從App Store中所取得的使用者資訊，所以「站內購買」是在保護使用者的隱私不被侵害；但從競

爭法角度來看，為求競爭的存在，有部分國家已要求Apple公司須開放站外購買的選項。

(七)Chen女士則從企業觀點，對融合隱私及競爭法二者的可行性與必要性持保留態度，她認為競爭法之目的在確保市場競爭秩序及避免消費者福利受到損害。相對的，隱私保護法之目的在保護個人對自己資料的權利和控制，而要求企業組織要就資料安全及透明負責。認識二者立法目的之差異有助於避免過度管制和彼此衝突的法律解釋結論。再者，無明顯指標與機制可連結二者執法結果：

1. 無證據可支持二者整合的必要性：高隱私保護未必有利競爭，而限制使用個人資料也可能會降低產品的品質及多元性。反之，競爭的增加也未必會創造更多的隱私，沒有證據證明低市場集中度有利隱私控管。事實上，大型數位平臺業者較小型之業者經常可提供更好的隱私保護。我們應聚焦在不同主管機關間之合作，而不是整合二項法規，來平衡隱私及競爭法間可能存在之目的衝突。
2. 從競爭觀點，不論是「最適隱私水準」(optimal level of privacy)、「較低資料保護標準」(lowered data protection standard)或是「可接受」(acceptable)資料蒐集，都不是法律上合理用來衡量資料蒐集是否過度的門檻標準。又從消費者偏好來看，消費者對於隱私的偏好並不一致，且對於原先是免費的服務，也有強烈規避必須付費的傾向。

Chen女士最後表示，應以使用者經驗為執法基準，聚焦在使用者為中心(user-centric)的工具(如檢查隱私情況的app、透明化數位工具及使用者協助中心的文章等)，來設計最適合的工具，讓最後的選擇權回歸到數位平臺的使用者，而不是由上而下建立一個抽象的「最適隱私水準」的違法認定標準。

二. 第二場次：「競爭法及政策之角色如何促進人工智慧之競爭及創新」(The Role of Competition Law and Policy in Fostering Innovation and Competition for Artificial Intelligence)

(一)本場次由新加坡Meta公司競爭政策處長Hee Eun Kim女士(下稱Kim女士)擔

任主持人，與談人有日本公平交易委員會(下稱日本公平會)生成式人工智慧(Generative Artificial Intelligence)市場研究組長Takayasu Ohta先生(下稱Ohta先生)、日本森濱田松本法律事務所(Morin Hamada Matsumoto)律師Yusuke Takamiya先生(下稱Takamiya律師)、新加坡Rajah & Tann律師事務所Tanya Tang女士(下稱Tang女士)以及新加坡RBB economics公司Yan Yu女士(下稱Yu女士)。探討人工智慧(Artificial Intelligence, AI)對創新之貢獻，以及可能產生的競爭法議題。

(二)主持人Kim女士首先請Ohta先生介紹日本最近關於生成式AI「討論文件」(discussion paper)研究內容。Ohta先生表示，為了妥適規劃人工智慧及確保技術創新的好處，日本公平會認為須先對生成式AI產業現況有全面性瞭解，這也是制定該「討論文件」之初衷。該文件將AI視為運用由3個不同層次的技術與市場所組成之生態系：第一個層次是在「計算」(computation)，包括圖形處理器 (Graphics Processing Unit, GPU)、數據、特殊資源，第二個層次是生成式AI的市場「開發」(development)層次，換言之，運用生成式AI來改善或拓展既有的產品或服務。第三個層次則是運用(application)層次，即運用生成式AI提供更多新型態的服務，如雲端計算等。而討論文件則進一步歸納出生成式AI可能衍生的5大競爭議題，包括近用限制(access restrictions)及排除競爭對手、自我偏好(self-preferencing)、搭售、利用生成式AI進行市場勾結及生成式AI研發事業間的合作與結合。日本公平會依照上述分析架構來監測與查處可能的限制競爭行為，如在「計算」層次部分，一如所知像GPU市場是一個高度集中的市場，對使用者而言，也有高轉換成本的問題，所以對於這類市場的結合，日本公平會更注意結合後競爭對手近用數據或技術的問題。另外，針對與生成式AI相關與鄰接市場及大型市場參與者，日本公平會亦特別注意搭售的議題。由於生成式AI模型的發展環境有高度的技術保密要求，這讓具市場力量的事業採行技術或客戶搭售的誘因更強，對於市場競爭的影響也會更加明顯。這也是日本公平會正密切注意之處。

(三)Takamiya律師接續就日本的AI產業發展現況發表看法，他認為日本有不少

的公司在發展大型語言模式(Large Language Model, LLM)，但LLM使用普及度並不高，惟日本已有愈來愈多的事業投入這個領域之研發。另外，他認為量子電腦是未來AI發展的關鍵，但可惜的是，比較少人去談到其實日本有先進的量子電腦技術，非常有利於未來AI的發展和技術創新。至於在競爭法議題上，Takamiya律師表示他並沒有接到太多客戶徵詢這個議題的意見，但因為AI的發展快速且重要性正在大幅提高，所以其預見未來關於AI之競爭法問題會越來越多，同時他也相信日本之競爭法規已然相當完備，應可足以解決這些爭議。

(四) Tang女士接下來就新加坡的產業與法規現況進行報告，她首先指出新加坡目前並沒有像部分其他國家針對AI所為之專門立法，新加坡主要是由相關主管機關所頒佈之處理原則來規範可能之AI議題，例如在健康照護、交通或消費者保護等領域，都有類似的處理原則可處理AI相關問題。為實現負責任的AI使用，新加坡已發布「模範AI治理架構」(Model AI Governance Framework)以供事業遵循。另外，也有稱之為「AI確認」(AI Verified)的工具箱可供參考，該工具箱是由新加坡政府開發出來之軟體工具，可用來協助事業自我檢測AI的使用方式是否合法合規。至於在競爭法議題部分，新加坡競爭及消費者委員會(CCCS)已指出了AI技術與勾結的可能關聯性。如AI可作為穩定聯合勾結協議的有效監督工具，或是同業間可使用共同的演算法來達到讓價格趨於一致的結果，而不會留下勾結合意的證據。另外，如AI發展所需的人才與技術掌握在少數事業手中，造成AI市場獨占與濫用該市場力之行為等，也是CCCS應接續注意之競爭議題。為有效處理AI議題CCCS已於機關內部設置數位執法部門來專責此領域之調查技術協助。另外，AI也被CCCS運用來作為內部案件處理程序的工具，以提高競爭法主管機關執法效率。

(五) Yu女士主張將AI運用所可能出現的競爭議題分為四個大類型：

1. 第一類型是限制競爭的投入要素封鎖，即禁止近用關鍵的演算法或LLM等。
2. 第二類型是市場力量的延伸，即大型數位平臺事業，試圖將其在平臺上

的市場力量，透過各類交易安排延伸到AI市場中。

3. 第三類則是和合作結盟所可能產生的限制競爭效果。

4. 第四類則是和「演算法」相關的限制競爭議題。

Yu女士說明雖然我們經常聽到演算法違反競爭法的指控，但大部分仍是理論上的討論，實務上並沒有太多的案件。Yu女士接著把時間拉回到現在，並請與會者回想一下，於2、3年前被問到使用那一個生成式AI工具時，答案可能只有ChatGPT一個，但以她個人為例，現在她個人行動設備上就有4個不同的生成式AI軟體可用，突顯了這個領域研發創新速度之快，實屬前所未見。事實上，目前的AI開發事業已將研發重點逐漸轉移到「影像」，即可從文字直接制作影音檔，對此我們應加以辨認所看到的影音檔是真人影音檔或AI所制作的影音檔。另外，不論在晶片或其他AI設備市場中的研發也都有相當顯著的發展，而過去多數人普遍認為只有LLM才有可能在市場中競爭，但這幾年我們也看到了小型語言模式如雨後春筍般地出現在市場中，消費者與AI開發事業也不再只聚焦在單一基礎模型，簡言之，整個AI產業都在快速發展中，對於相關潛在的競爭問題雖然要持續注意，但也不應忽略了市場創新發展在控制和解決這些問題的功能。

三. 第3場次：「重要抉擇：在保護主義升溫時代下之競爭法與貿易法」 (Navigating the Crossroads: Competition Law and Trade Law in an Era of Increasing-Protectionism)

(一)本場次討論競爭法與貿易法交錯的議題，以及在保護主義抬頭的今天，各主要競爭法主管機關在該二項政策執行取捨上有何具體的作法。本場次主持人是新加坡Rajah & Tann律師事務所律師Joshua Seet先生(下稱Seet律師)，與談人分別是新加坡DLA Piper Singapore律師事務所律師Nathan Bush先生(下稱Bush律師)、布魯賽爾Baker Botts律師事務所律師David Cardwell先生(下稱Cardwell律師)、新加坡可口可樂公司律師Andrew Liew先生(下稱Liew律師)以及香港方達律師事務所律師Christoph Van Opstal先生(下稱Opstal律師)。

(二)Bush律師表示他將美國二戰後的反托拉斯法發展分為二階段。第一階段是從1992年到2016年的美國總統選舉。在這段期間，反托拉斯法之執法目標

是在保護消費者福利，所使用的是經濟分析工具和理論，這是芝加哥學派當道的年代，而其影響力也外溢到相關的國際組織，如「國際競爭網絡」(International Competition Network, ICN)就是其中一個例子。在此同時，我們也觀察到不少對國際投資審查機制的出現，對投資案是否會直接或間接影響到美國事業進行評估。大體而言，反托拉斯和國際貿易政策在這段期間的執行程度還算平衡，但在歐巴馬政府的後期，情況開始有了改變。川普總統在第一任期(2017年1月20日到2021年1月20日)時，對美國事業展開了幾項反托拉斯調查，此舉曾讓部分同黨之共和黨員感到意外，到拜登總統(2021年1月20日至2025年1月20日)任期，更是對反托拉斯法進行全面體檢，同時改走新布蘭迪斯學派路線。更明顯的改變是，非競爭政策扮演著更顯著的角色，川普總統第一任期時「美國優先」的貿易政策，以及拜登總統以勞工為中心的貿易政策，再到川普總統第二任期第2.0版的「美國優先」政策，都是明顯的例子。而從川普總統上任後到現在，未來到美國進行投資，不論在勞工、移民、數據安全、關鍵科技等議題上，都會受到更嚴格的審查和控制。

(三)Cardwell律師接著就歐盟是否也出現如同美國在競爭與貿易政策上的改變發表看法，其指出歐盟和各會員國都是政治實體，基於各國對於國家利益考量，二者本就存在著對產業貿易政策和競爭政策二者如何融合，以及如何實施具有潛在不同看法。但在過去這幾年期間，歐盟的確出現了明顯的政策轉變的趨勢，特別是對於科技業必須改為更積極規範，以保護歐洲企業利益的思維更加高張。在這樣的氛圍下，相關的政策都有相當大的轉變，這是在過去50多年來少見的大事。這其中以2019年的Siemen公司和Alstom公司結合案最為人所矚目，該案最終被歐盟執委會否決，但審理過程中，參與結合事業各自的母國(德國和法國)紛紛向歐盟表示應許可其結合的強烈意願，理由是結合可創造出歐洲在高速鐵路產業中的「國家冠軍」(National Champion)，以正面因應中國企業的競爭，其實歐洲持有這種想法者亦不在少數，這在事實上也可能讓歐盟需要重新省思「純」競爭法執法的可行性與必要性。另外，我們也看到在歐盟會員國內引入了外國投

資審查機制，雖然這並非是高強度之管制措施，但對歐洲來講是一件重大的改變過程。另外，英國最近在部分結合案審查中也縮短了結合審查時間，多儘速通過了結合案審查，這多少也反映出各會員國逐漸重視競爭政策外的其他政策議題。

(四)Opstal律師則以中國的現況來對比美國和歐盟的情形，他認為中國與美國及歐盟有著相當大的不同。首先，產業政策本來就是中國高度重視的政策，產業政策是競爭政策的一部分，而競爭政策的執行也會將產業政策納入考量，所以發生在美國或歐盟所謂的重大政策轉彎，在中國並不會有任何的衝擊。再者，雖然中國的競爭法受美國及歐盟的影響，但對中國政府而言，競爭政策向來都只是一項施政工具，反映中國的政治思維，亦即將政府干預、政府發展目標及政府補貼等優先於競爭政策。歐美等國家的競爭法規是源自於經濟自由化的產物，但中國顯然不是，其作為一個相當年輕的競爭法執法機關，於2008年制定反壟斷法的初衷，主要是讓中國可以參與全球經濟體系，當年在立法時，有不少人即是基於憂心競爭法將會讓中國政府無法操作產業政策而反對。而立法後，反壟斷法也不只是保護競爭，它也必須同時兼顧國家利益、公共利益及維持社會主義市場。更大的問題是，競爭法中的產業政策具體所指為何，這是一個內涵隨時間推移而會改變和調整的概念。在2008年所謂的產業政策是如何避免中國事業被外國事業收購，所以有人批評中國試圖將競爭法武器化(weaponize)，作為抵抗外國事業收購的工具。這樣的思維今日或許還存在著，但可能更強調如何確保中國在供應鏈的韌性以及在半導體產業中的一席之地。例如在2021年的一件跨國結合案中，中國政府許可該結合，但同時要求參與結合事業須協助第三方競爭者進入市場參與競爭。

(五)最後Liew律師針對上述這些不同國家之政策對事業會產生什麼影響發表意見。Liew律師表示事業確實會受這些政策變動的影響，而他個人是比較支持競爭政策優先。因產業政策雖然短期內看似可解決一些問題，但往往只是將不利益延緩到長期而已，並以生活成本不斷提高這個全球性議題為例，控制生活成本的產業政策及措施，並沒有真正將該項成本降低，而只









是把它移往未來的世代，透過市場競爭的壓力，才較有可能讓事業願意降低價格或提高產品或服務的品質，此乃真正正本清源之道。

參、心得與建議

- 一. 在本次會議中，各國代表從法律、經濟學及執法實務的多元角度，深入探討隱私與競爭法間的相互關係，並指出目前全球正面臨平衡數位經濟發展與個人資料保護間的重大挑戰。歐盟與英國整合隱私與競爭法規範的經驗，展現了其監管前瞻性，亞太各國如中、日、韓、印等也積極因應相關議題，展現出對數據價值與濫用風險的高度重視。從我國立場觀察，陳代理主委分享的經驗展現出本會在審查中將「隱私保護」納入競爭分析架構的嘗試，尤其強調隱私保護如何作為非價格競爭要素，並提醒隱私作為審查標準時的主觀性與難以量化問題，是值得各國共同面對的挑戰。
- 二. 陳代理主委於會中針對「隱私與競爭法交錯」提出3項重要觀察，引發國際專家討論。首先，雖然個人資料保護法具預防功能並有明確規範，但因個人對隱私的主觀期待差異大，實務上易出現保護過度或不足，恐影響嚇阻效果與政策目標。其次，若將隱私視為競爭因素，執法上將面臨衡量困難，並可能與個資主管機關遭遇類似挑戰，增加政策判斷難度。最後，陳代理主委以本會調查的Apple公司案為例，Apple公司以保護用戶隱私為由，限制App Store內應用程式僅能進行「站內購買」(in-app purchase)，主張若開放站外購買，第三方開發者可能取得並濫用用戶資料。然而，若從促進競爭的角度觀之，已有部分國家要求Apple公司開放站外購買選項，此案突顯出隱私保護與市場競爭之間的潛在張力，須依個案具體情境審慎評估與平衡。
- 三. 國際社會對於隱私與競爭法交錯的議題日益重視，且各國發展方向與規範架構不盡相同，呈現多元探索趨勢。我國在此領域已有初步經驗基礎，未來應持續深化對此議題的關注與研究，積極參與國際與區域對話平臺，參酌他國做法以優化我國競爭政策設計與執行成效。



Program Schedule Grid

 Artificial Intelligence	 Legal Practice/Ethics
 Competition	 Restructuring/Private Wealth
 Corporate/Transactions	 Technology
 Dispute Resolution	 Trade/Sanctions

Wednesday, February 26, 2025

1:30-7:30pm	Registration SMU Administration Building
2-5pm	What Next When You Finish Law School? Career Planning for Law Students & Junior Attorneys (Non-CLE) SMU Administration Building, Mochtar Riady Auditorium, Level 5
6-8pm	Opening Reception Signing Ceremony: Law Society of Singapore-ABA ILS Friendship Agreement Mochtar Riady Auditorium Foyer

Thursday, February 27, 2025

8am-5:30pm	Registration SMU Administration Building
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Artificial Intelligence	Legal Practice/Ethics
Competition	Restructuring/Private Wealth
Corporate/Transactions	Technology
Dispute Resolution	Trade/Sanctions

8-8:45am	Breakfast Mochtar Riady Auditorium Foyer		
8:15-8:45am	Introduction to ABA ILS SMU Administration Building		
8:45-9am	Welcome Signing Ceremony: Dai-Ichi Tokyo Bar Association-ABA ILS Friendship Agreement Mochtar Riady Auditorium		
9-9:15am	Keynote: Lucien Wong, Attorney General, Singapore Mochtar Riady Auditorium		
I 9:15-10:30am	Opening Plenary: 24 Decoding the AI Advantage: Ethical, Cross-Cultural, and Decision-Making Innovations in Dispute Resolution Mochtar Riady Auditorium		
10:30-10:45am	Networking Break Mochtar Riady Auditorium Foyer		
	A	B	C
II 10:45am-noon	26 Ethics and challenges in AI-Related Emerging Technologies in Asia	11 Reaching the Finish Line: Effective enforcement of arbitral awards in the Asia Pacific	14 The 5 D's of Corporate Sustainability: Due Diligence, Disasters, Destruction, Danger
Noon-1:15pm	Networking Lunch Mochtar Riady Auditorium Foyer		
III 1:15-2:30pm	32 The Future of Cross-Border Data Transfers	8 Green Cooperation: Navigating the Intersection of Environmental Sustainability and Competition Law in the Asia-Pacific	15 Singapore - The Investment Hub for Investments in South-East Asia
2:30-3pm	Networking Break		

Artificial Intelligence	Legal Practice/Ethics
Competition	Restructuring/Private Wealth
Corporate/Transactions	Technology
Dispute Resolution	Trade/Sanctions

	Mochtar Riady Auditorium Foyer		
IV 3-4:15pm	22 Building a Healthy Web 3.0 Ecosystem: Legal Perspectives on AI and Emerging Technologies	55 Ready for a Dawn Raid in the Digital Era?	38 Whither the DogeCoin: Navigating Digital Taxation and Cross-Border M&A Complexities in a Global Post- Pandemic Economy
4:15- 4:45pm	Networking Break Mochtar Riady Auditorium Foyer		
V 4:45-6pm	23 International Remote Work and Digital Nomads: Robots at Work, in Management, and in Government?	18/50/57 Navigating the Complexities of Global Merger Control: Strategies for Uncertainty in Cross-Border Transactions	6 Singapore as a Nodal Jurisdiction for cross-border restructuring and Insolvency
6-6:45pm	Registration & Snacks The Supreme Court Building		
6:45-8pm	9 The Singapore International Commercial Court (SICC): Ten Years of Innovative Dispute Resolution Benefitting the Asia-Pacific Region and the World The Supreme Court Building		
8-9:30pm	Reception The Supreme Court Building		
Friday, February 28, 2025			
8-6pm	Registration SMU Administration Building		
8-9am	Breakfast Mochtar Riady Auditorium Foyer		
	A	B	C
VI 9-10:15am	29 Privacy and competition laws -	60 Energy Transition – Opportunities and	13 Challenges and Opportunities in

Artificial Intelligence	Legal Practice/Ethics
Competition	Restructuring/Private Wealth
Corporate/Transactions	Technology
Dispute Resolution	Trade/Sanctions

	mutually reinforcing or conflicting?	Challenges	technology M&A Transactions in South East Asia
10:15-10:45am	Networking Break Mochtar Riady Auditorium Foyer		
VII 10:45am-noon	19/49 The Role of Competition Law and Policy in Fostering Innovation and Competition for Artificial Intelligence	7 Shaping Global Dispute Resolution: The Significance of the Singapore Convention and Other Recent Developments	20 The Indo-Pacific Economic Channel: A framework for prosperity?
Noon-1:15pm	Networking Lunch Mochtar Riady Auditorium Foyer		
VIII 1:15-2:30pm	47 Convergence or Conflict: Decoding the New Balance between Antitrust and Intellectual Property in Asia	62 Investor-State Disputes in an Evolving Geopolitical Landscape	61 Inhouse Counsel Roundtable on Managing Risks in Transactions, Compliance and Disputes
2:30-3pm	Networking Break Mochtar Riady Auditorium Foyer		Meditation Class (option to continue to 3:30pm) Meeting Room
IX 3-4:15pm	59 Navigating the Crossroads: Competition Law and Trade Law in an Era of increasing-Protectionism	2/41 Ethical Considerations in International Arbitration Across the Pacific: A Dialogue on Ethical Norms and Standards for Counsel and Arbitrators	52 Singapore: Safe Harbor and Springboard
4:15-4:45pm	Networking Break Mochtar Riady Auditorium Foyer		
X	Closing Plenary:		

Artificial Intelligence	Legal Practice/Ethics
Competition	Restructuring/Private Wealth
Corporate/Transactions	Technology
Dispute Resolution	Trade/Sanctions

4:45-6pm	12 Navigating the Complexities of Global Supply Chains: Legal Perspectives and Strategic Insights Mochtar Riady Auditorium
6-6:15pm	Closing Remarks Mochtar Riady Auditorium
6:30-7:15pm	Registration & Snacks Singapore Cricket Club
7:15-8:15pm	Fireside Chat with Minister K. Shanmugam SC Singapore Cricket Club
8:15-9:30pm	Closing Reception (Separately Ticketed) Singapore Cricket Club
Saturday, March 1, 2025	
9:30am - 1:30 pm	Optional Excursion: A Walk in Singapore Botanic Garden and Lunch - A World Heritage Site
11:30 am - 1:00 pm	Optional Excursion: Tour of the National Museum of Singapore (History Gallery)
6:00 - 8:30 pm	Optional Excursion: Singapore River Stroll & Sunset Cocktails at a Rooftop Bar



DRAFT PROGRAM SCHEDULE (as of 2.3.25)

All Times in Singapore Time (SGT)

WEDNESDAY, FEBRUARY 26, 2025

1:30 PM – 7:30 PM

Registration

SMU Administration Building

2:00 PM – 5:00 PM

What Next When You Finish Law School? Career Planning for Law Students & Junior Attorneys (Non-CLE)

SMU Admin Building, Mochtar Riady Auditorium, Level 5

Separately Ticketed - Sign up in the registration process or go to: <https://forms.gle/pAvukDiGhtzCxqf8>

You have likely attended career planning sessions or heard others talk about what to do after you graduate. You might already have thoughts even. And so you might think, why waste time with another. Ah, but this session is different. It draws from alumni of both NUS and SMU who are involved in a myriad range of roles. Hear from innovative fellow students, in-house counsels, associates in local firms, associates in foreign firms, grads who have gone on to civil service or grads who have started their own business. Did choice lead them to where they are or was it a case of fortuity?

Do come down and hear the sharing. Ask questions and explore what doors may be opened for you. Also in attendance are likely to be lawyers from the region and internationally. This session presents an excellent opportunity for you to listen and importantly ask questions during the session as well as you mingle pre and post session.

Chair: Kala Anandarajah, Rajah & Tann, Singapore

Moderators:

Chen Siyuan, Associate Professor of Law, Singapore Management University, Associate Dean (Students and Alumni), Director of Moots, Singapore

Genevieve Chia Su Lin, Senior Associate Director, Head of Law and CDE Career Advisory, National University of Singapore, Singapore

Speakers:

Elizabeth Ho, Year 4 Law Undergraduate, Singapore Management University, Singapore

Theodore Pittas, Student, Y2 LLB at NUS/Founder, Commercial Law Careers Society, Singapore

Faz Hussen, Head of Legal, Govt Relations & Sustainability, McDonald's, Singapore (National University of Singapore)
Nicholas Seng, Legal Director, Investigations & Litigation APAC, Johnson & Johnson, Singapore (Singapore Management University)
Uma Sharma, Associate, International Arbitration & Cross-Border Disputes, Jones Day, Singapore (National University of Singapore)
Aaron Yoong, Assistant Professor/Counsel, Singapore Management University/Setia Law, Singapore

6:00 PM – 8:00 PM

Opening Reception *Mochtar Riady Auditorium Foyer*
Signing Ceremony: Law Society of Singapore-ABA ILS Friendship Agreement

THURSDAY, FEBRUARY 27, 2025

8:00 AM - 5:30 PM

Registration *SMU Administration Building*

8:00 AM - 8:45 AM

Breakfast *Mochtar Riady Auditorium Foyer*

8:15 AM – 8:45 AM

Introduction to American Bar Association International Law Section (Non-CLE) *SMU Administration Building*

8:45 AM – 9:00 AM

Welcome: *Mochtar Riady Auditorium*
Lee Pey Woan, Dean, Singapore Management University Yong Pung How School of Law
Yee Wah Chin, Chair, American Bar Association International Law Section

Signing Agreement: Dai-Ichi Tokyo Bar Association-ABA ILS Friendship Agreement

9:00 AM – 10:30 AM

Opening Keynote & Plenary: *Mochtar Riady Auditorium*
Decoding the AI Advantage: Ethical, Cross-Cultural & Decision-Making Innovations in Dispute Resolution (TECHNOLOGY CLE)
Artificial Intelligence Track; Dispute Resolution Track; Technology Track

What ethical dilemmas will emerge as AI integrates into dispute resolution? Can AI currently bridge cultural and language divides to enhance cross-cultural communication, and how might it improve in the future? How will AI

transform the decision-making process in international arbitration tribunals and other bodies, and how might its role evolve? The panel will explore AI-driven algorithms, their impact on the effectiveness, efficiency, and impartiality of dispute resolution, and offer a behind-the-scenes look. Join us to explore how ethics, culture, and innovation intersect to shape the future of dispute resolution.

Sponsoring Committee: International Arbitration

Program Chair/Moderator: **Thara Gopalan**, Vice President, American Arbitration Association - International Centre for Dispute Resolution, Singapore

Keynote:

Lucien Wong, Attorney General, Singapore

Speakers:

Betsy A. Hellmann, Counsel, Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY

Rakesh Kirpalani, Chief Technology Officer, Drew & Napier LLC, Singapore

Hannah Yee Fen Lim, Associate Professor, Nanyang Technological University, Singapore

Zachary Sharpe, Partner, Jones Day, Singapore

10:30 AM – 10:45 AM

Networking Break

Mochar Riady Auditorium Foyer

10:45 AM – 12:00 PM

Ethics and Challenges in AI-Related Emerging Technologies in Asia (CLE)

Artificial Intelligence Track; Technology Track

Tech giants including OpenAI have agreed to voluntary safeguards to mitigate AI risks, addressing issues like bias, privacy violations, and misuse. In contrast, the EU has approved pioneering AI regulation. Determining accountability when AI systems malfunction or cause harm is complex. Furthermore, there's ongoing debate about regulators' understanding of AI's technical intricacies and the role of "big tech" in leading the initiative on the regulatory process. Ethical issues add another layer of complexity. This panel will tackle the pressing ethical challenges and regulatory landscapes that surround AI and other emerging technologies. This session will focus on identifying the issues that need to be considered in technology-driven human progress.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committees: Northeast Asia, Japan and Korea; Seasoned Lawyers Network; South Asia/Oceania and India

Program Co-Chair: **Robert Brown**, ABA Senior Lawyers Division, Vice Chair 2024-25; LAWASIA; Lynch, Cox, Gilman & Goodman, P.S.C, Louisville, KY

Program Co-Chair/Moderator: **Souvik Ganguly**, Managing Partner, Acuity Law, Mumbai

Speakers:

Itzik Amiel, Founder and CEO, THE SWITCH™, Amsterdam

Chung Hwan Choi, Partner, Yulchon, Seoul

Yasmin Hussain, Head of Legal for Asia, LexisNexis, Singapore

Nydia Remolina Leon, Assistant Professor of Law and Fintech Track Lead, and Head of Industry Relations at the SMU Centre for AI and Data Governance, Singapore Management University Yong Pung How School of Law, Singapore

Teong Liang Yap, Director, TL Yap Law Chambers, Singapore

Reaching the Finish Line: Effective Enforcement of Arbitral Awards in the Asia Pacific (CLE)

Dispute Resolution Track

Effective enforcement necessitates a winning strategy to traverse the final stretch of the arbitration process. This multi-faceted panel comprising seasoned external and in-house lawyers, as well as panelists drawn from litigation funders and investigative firms, will offer different perspectives on the complexities and evolving trends across one of the world's most diverse legal landscapes.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: International Arbitration

Program Co-Chair/Moderator: **Mark Seah**, Senior Partner, Dentons Rodyk & Davidson LLP, Singapore

Program Co-Chairs/Speakers:

Jansen Chow, Partner, Rajah & Tann Singapore LLP, Singapore

Jonathan Lim, Partner, Wilmer Cutler Pickering Hale and Dorr LLP, London

Speakers:

Maxwell Abbott, Associate Managing Director, Nardello & Co Pte Ltd, Singapore

Helen Shi, Partner, Fangda Partners, Beijing

Marjolein van den Bosch-Broeren, Investment Manager, Head of Enforcement, Omni Bridgeway, Singapore

The 5D's of Corporate Sustainability: Due Diligence, Disasters, Destruction, Danger (CLE)

Corporate/Transactions Track

In recent years, several European countries have enacted obligatory Human Rights and Environmental Due Diligence requirements, to ensure the observance of Human and Environmental Rights in international supply chains through contractual clauses, aimed at stopping violation of those rights in international trade.

Most important in this respect (and talk of the town in Asian business circles) is the EU Corporate Sustainability Due Diligence Directive (CSDDD). Part of its provisions is that the Commission will develop guidance on Model Contractual Clauses. A task force based in Europe is now adapting the ABA model contract clauses to the EU Directive.

This panel will explain and discuss the CSDDD and other laws and case-law around the world in a discussion format with audience participation.

Sponsoring Committee: International Contracts

Co-Sponsoring Committee: Central/East Asia & China, International Anti-Money Laundering; International M&A Joint Venture; UN & International Organizations

Program Co-Chairs:

Willem den Hertog, Attorney, denhertog legal, The Hague

Salli Swartz, Partner, ArtusWise, Paris

Moderator/Speaker: **Rose Chen**, Head of Legal, Covestro (Taiwan) Ltd., Taipei

Speakers:

Pedro Jose F. Bernardo, Partner, Kelvin Chia Partnership, Singapore

Martijn Scheltema, Partner, Pels Rijcken, The Hague

Vivien Teu, Partner, Dentons, Hong Kong

12:00 PM - 1:15 PM

Networking Lunch

Mochar Riady Auditorium Foyer

The Future of Cross-Border Data Transfers (CLE)

Technology Track

Cross-border data transfers present complex contentious data protection issues, compounded by the fact that compliance with multiple legal regimes may be required. The panel will discuss the potential directions of cross-border data flow and data transfer policies by first discussing the current trends which can be observed in relation to cross-border data transfer.

Sponsoring Committee: Conference Planning Committee

Program Chair/Moderator: **Laarni Vinas**, Legal Director, Shusaku Yamamoto LLP, Osaka

Speakers:

Han-Wei Liu, Associate Professor of Law; Deputy Director, Centre for AI and Data, Singapore Management University Yong Pung How School of Law, Singapore

Nikhil Narendran, Partner, Trilegal, Bengaluru

Johannes C. Sahetapy-Engel, Founding Partner, Akset, Jakarta

Gil Zhang, Fangda Partners, Shanghai

Green Cooperation: Navigating the Intersection of Environmental Sustainability and Competition Law in the Asia-Pacific (CLE)

Competition Law Track

The panel will provide an overview of the current state of enforcement of competition laws as it relates to environmental sustainability agreements, with a special emphasis on the Asia-Pacific region's contribution to this evolving area of law. It will also offer a platform for dialogue among international experts to share best practices and navigate the complexities of this topic. The discussion will cover global trends towards interpreting competition laws in a way that does not generate obstacles for companies to collaborate on initiatives to protect the environment and mitigate climate change.

Sponsoring Committee: International Antitrust Law

Program Co-Chair: **Miguel Del Pino**, Partner, Marval, Buenos Aires

Program Co-Chair/Moderator: **Leonardo Rocha e Silva**, Partner, Pinheiro Neto, Brasília

Speakers:

Scott Clements, Partner, Allen & Gledhill, Singapore

Ninette Dodoo, Partner, Freshfields, Beijing

Ee Kia Ng, Senior Director, Policy & Markets, Competition Commission of Singapore, Singapore

Ryohei Tanaka, Partner, Nagashima Ohno & Tsunematsu, Tokyo

Theon van Dijk, Partner, RBB Economics, Amsterdam/Brussels

Singapore: The Regional Hub for Investments in South-East Asia (CLE)

Corporate/Transactions Track

Singapore has proven to be the major center for industrial and financial investments in South-East Asia. Regulators have also created excellent conditions for Asset Managers and Investment Funds taking their domicile in the City State. Singapore also offers an excellent infrastructure for resolving cross-border disputes, be it by litigation, arbitration or mediation. The panel will analyze the legal and regulatory framework as well as the role of the relevant institutions in creating such an attractive environment.

Sponsoring Committee: International M&A Joint Venture

Co-Sponsoring Committees: International Arbitration; International Mediation; International Private Client; International Tax; International Trade

Program Co-Chair: John Shoemaker, Attorney, Butler Snow, London/Singapore

Program Co-Chair/Moderator: Hermann Knott, Partner, Kunz Lawyers, Cologne

Speakers:

Tracy Ang, Deputy Head, Mergers & Acquisitions, Rajah Tann Singapore LLP, Singapore

Yeoh Lian Chuan, Partner, Withers KhattarWong LLP, Singapore

Swee Yen Koh, Senior Counsel, Wong Partnership, Singapore

Bryan Shin, Senior Foreign Attorney, Shin & Kim LLC, Singapore

2:30 PM - 3:00 PM

Networking Break

Mochar Riady Auditorium Foyer

3:00 PM – 4:15 PM

Building a Healthy Web3 Ecosystem: Legal Perspectives on AI and Emerging Technologies (CLE)

Technology Track

This panel will explore the legal dimensions of integrating AI within the Web3 framework. Hear from legal experts and industry leaders on how AI, blockchain, and IoT intersect with regulatory compliance, data privacy, intellectual property rights and risk management. The panelists will also offer critical insights into navigating the complex legal landscape of Web3 and ensuring responsible implementation of AI technologies.

Sponsoring Committee: Central/East Asia and China

Co-Sponsoring Committees: Northeast Asia, Japan & Korea; South Asia/Oceania and India

Program Co-Chairs:

Rita Y. Wang, Attorney-at-Law, APAC LEGAL PLLC, New York, NY

Jian Wu, Regional Managing Director, APAC, Kobre & Kim, Shanghai

Moderator: Prof. Kang Li, Director, Institute for Cybersecurity and Privacy, University of Georgia, Athens, GA

Speakers:

Arthur Chang, Partner, LCS & Partners, Taipei

Anderson Cui, Head of Business Development, Axlflops, Singapore

Jason Kang, Partner, Kobre & Kim, Hong Kong

James Liu, Director of New Business and Head of Innovation Alliance, Alibaba Cloud Intelligence Group, Singapore

Xun Zeng, Partner, Cooley, Singapore

Ready for a Dawn Raid in the Digital Era? (CLE)

Competition Law Track

When authorities show up for an unannounced inspection, it can be stressful for employees and disrupt normal business operations. It is particularly tricky when confidential data and business information can be stored and accessed in different locations via different methods. Making the right preparations can help minimize the damage to the business and shape the course of the investigation. This panel of experts discuss new challenges and best practices in the digital era especially for multinationals in the APAC region.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committees: International Antitrust; International Corporate Counsel

Program Chair: Elizabeth Wang, Executive Vice President, Compass Lexecon, Boston, MA

Moderator: Michael Han, Partner, Fangda Law, Beijing

Speakers:

Ameera Ashraf, Partner, Wong Partnership LLP, Singapore

Thomas Jassens, Partner, Freshfields, Brussels

Wook Jin Rha, Partner, Yulchon LLC, Seoul

Tiffany Rider, Partner, Axinn, Veltrop & Harkrider LLP, Washington, DC

Whither the DogeCoin: Navigating Digital Taxation and Cross-Border M&A Complexities in a Global Post-Pandemic Economy (CLE)

Corporate/Transactions Track

This panel explores the intricate landscape of digital taxation and cross-border mergers and acquisitions (M&A) in a rapidly evolving global economy. As cryptocurrencies like Dogecoin challenge traditional tax frameworks, and corporations navigate the complexities of post-pandemic cross-border M&A, this discussion delves into the legal, financial, and strategic implications. Experts will examine how digital assets are reshaping global tax policies, the impact of evolving regulatory environments, and the challenges and opportunities that arise in a world increasingly defined by digital and cross-border economic activities.

Sponsoring Committee: International Tax

Program Chair: **John Shoemaker**, Attorney, Butler Snow, London/Singapore

Moderator: **Vikna Rajah**, Head, Tax and Private Client, Co-Head, South Asia Desk, Rajah & Tann, Singapore

Speakers:

Henry Chong, CEO, Fusang/Portcullis Group, Hong Kong

Alan Lederman, Shareholder, Gunster, Fort Lauderdale, FL

Timmoney Ng, US Tax Attorney, Charles Russell Speechlys, Singapore

Desmond Teo, Partner, Ernst & Young Solutions LLP, Singapore

4:15 PM - 4:45 PM

Networking Break

Mochar Riady Auditorium Foyer

4:45 PM – 6:00 PM

International Remote Work and Digital Nomads: Robots at Work, in Management, and in Government? (CLE)

Technology Track

The COVID-19 pandemic did not invent international remote work and digital nomadism, but it did accelerate these modes of working. Many nations furthered this acceleration as an avenue for economic growth. Other nations, with antiquated regulatory regimes based on physicality of work, struggled to adapt those regimes to increasingly mobile workforces utilizing the latest in technology. Employers, caught between these antiquated regimes and a bidding war for the best talent, also can access powerful AI tools for recruitment, monitoring and termination of employees. This panel of immigration, employment and tax experts shall dissect, and offer practical solutions for, this state of play.

Sponsoring Committee: Immigration & Naturalization

Co-Sponsoring Committee: Central/East Asia & China

Program Co-Chair: **Qiang Bjornbak**, Attorney at Law, Law Office of Qiang Bjornbak, INC, Chino Hills, CA

Program Co-Chair/Moderator: **Clayton Cartwright**, Managing Member, The Cartwright Law Firm, LLC, Columbus, GA

Program Co-Chair/Speaker: Maria Abe, Associate, Vanguard Lawyers Tokyo, Tokyo

Speakers:

Hermie de Voer, Partner, Everaert Advocaten, Amsterdam

Kwong Wing Leon, Partner, Withers KhattarWong LLP, Singapore

Marco Mazzeschi, Founder, Mazzeschi S.r.l., Milan

Singapore as a Nodal Jurisdiction for Cross-Border Restructuring and Insolvency (CLE)

Restructuring/Private Wealth Track; Technology Track

1. Singapore as a nodal jurisdiction involves multiple facets.
 - a. Legislation to facilitate cross-border recognition and assistance
 - b. An international commercial court with foreign insolvency professionals and a strong bench of specialist judges
 - c. Capital providers including local and international banks, private credit and distressed debt funds
 - d. international pool of advisors, financiers and insolvency academics
 - e. Political stability and strong economic relationships with key trading countries in both Asia and the West.
2. Singapore has combined its regime with that of the BVI and the U.S. to offer coherent and complete solutions to global insolvencies.
3. As a case study, major crypto insolvencies have been coordinated between Singapore, U.S. and the BVI.

Sponsoring Committee: International Private Client

Program Co-Chair/Moderator: Helen Wang, Partner, Carey Olsen Singapore LLP, Singapore

Program Co-Chair/Speaker: Smitha Menon, Partner, Wong Partnership LLP, Singapore

Speakers:

Simon Appell, EMEA Co-Leader, Turnaround & Restructuring, Partner & Managing Director, Alix Partners, London

Jacqueline Chan, Partner, Millbank LLP, Singapore

Aurelio Gurrea-Martínez, Associate Professor, Head of the Singapore Global Restructuring Initiative, Singapore Management University, Singapore

Navigating the Complexities of Global Merger Control: Strategies for Uncertainty in Cross-Border Transactions (CLE)

Competition Law Track; Corporate/Transactions Track

Mergers and acquisitions are increasingly facing tighter merger control scrutiny and challenged by regulators across the world. Outcomes are becoming more varied across regions with heightened skepticism by regulators against behavioral remedies and piecemeal divestments. Simultaneously, there is a growing demand for regulators to more effectively safeguard consumer interests, foster broader societal goals, such as advancing sustainability, and to protect national security interests. This panel will discuss issues on the horizon for global merger control, the complexities ahead for cross-border deals, and the strategies for managing uncertainties in timing and outcomes.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: International Antitrust Law; International M&A and Joint Venture

Program Co-Chair/Moderator: Elsa Chen, Partner, Allen & Gledhill, Singapore

Program Co-Chair/Speaker: Janet Hui, Partner, JunHe LLP, Beijing

Speakers:

Lisl Dunlop, Partner, Axinn, Veltrop & Harkrider LLP, New York, NY

Claire Jeffs, Partner, Slaughter and May, London

Elizabeth Wang, Executive Vice President, Compass Lexecon, Boston, MA

6:00PM - 6:45 PM

Registration and Snacks

The Supreme Court Building

6:45 PM – 8:00 PM

The Singapore International Commercial Court (SICC): Ten Years of Innovative Dispute Resolution Benefitting the Asia-Pacific Region and the World (CLE)

The Supreme Court Building

Dispute Resolution Track

2025 marks the 10th anniversary of the SICC. The SICC offers many of the advantages of commercial arbitration within a division of Singapore's judicial system. Judges are appointed to the court from Singapore and multiple international jurisdictions. This panel will discuss their experience with SICC matters and prospects for the SICC expanding into new areas of dispute resolution such as cross border insolvencies in the format of a fireside chat

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: International Litigation

Program Chair/Moderator: **Rick Grove**, CEO, Rutter Associates LLC, New York, NY

Speakers:

Justice Philip Jeyaretnam, President, Singapore International Commercial Court, Singapore

James Peck, Judge, SICC; South Square Chambers, New York, NY

Amber Riley, Co-Regional General Counsel, Macquarie Group, Singapore

Man Yip, Professor, Singapore Management University Yong Pung How School of Law, Singapore

8:00 PM – 9:30 PM

The Supreme Court Reception and Tours

The Supreme Court Building

A reception will be held and tours of the Supreme Court Building and the SICC courtrooms will be conducted, as well as access to the [Judicial Heritage Gallery](#).

For more information regarding the Supreme Court go to: <https://www.judiciary.gov.sg/visit-us/supreme-court>.

FRIDAY, FEBRUARY 28, 2025

8:00 AM – 6:00 PM

Registration

SMU Administration Building

8:00 AM – 9:00 AM

Breakfast

Mochtar Riady Auditorium Foyer

Privacy and Competition Laws – Mutually Reinforcing or Conflicting? (CLE)

Competition Law Track; Technology Track

Several countries in the APAC region have either introduced or strengthened data privacy laws in recent years. At the same time, many competition authorities and governments in the region have expressed concerns about competition in the digital economy, especially regarding digital platforms. This has led to increased enforcement and even proposals to introduce new (ex-ante) regulation. This panel explores the intersection between data privacy and competition law from different perspectives, such as: Is data privacy a relevant issue in competition law enforcement? Does the combination of data privacy and competition rules ultimately serve consumers? What is the impact on companies that need to comply with different sets of rules across jurisdictions that may apply to the same conduct?

Sponsoring Committee: International Antitrust Law

Program Chair/Moderator: Dennis Beling, Brussels

Speakers:

Chih-Min Andy Chen, Vice Chairperson, Taiwan Fair Trade Commission, Taipei

Ruth Chen, Head of Competition Legal, Meta, Singapore

Zhichao Kevin Duan, Partner, Han Kun Law Offices, Beijing

Cunzhen Huang, Counsel, Cleary Gottlieb Steen & Hamilton, Washington, DC/Beijing

Energy Transition – Opportunities and Challenges (CLE)

Dispute Resolution Track; Corporate/Transactions Track

We will explore the ways in which government and industry are moving towards sustainable forms of energy production, and the investment potential and types of legal issues and challenges (including investor-State, regulatory, decommissioning, contractual, and construction) that this might pose.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: Energy and Environmental Law

Program Chair/Moderator: Paul Tan, International Counsel and Arbitrator, One Essex Court, Singapore

Speakers:

Woojae Kim, Partner, Bae Kim & Lee, Seoul

Angela Yao Lin, Partner, Lee & Li, Taipei

Abhisek Sharma, Director, Infrastructure, KKR, Singapore

Mark Snell, APAC General Counsel, Exxon Mobil, Singapore

Challenges and Opportunities in Technology M&A Transactions in Southeast Asia (CLE)

Corporate/Transactions Track; Technology Track

Southeast Asian continues to be a hot region for tech related M&As, and there are lots of opportunities and potential growth, but at the same time, legal risks and pitfalls for doing such transactions. This session will explore legal challenges and opportunities in tech related M&As in the region from various perspectives, which shall include M&A and tech side, inhouse and outside counsel's perspectives, and investing country and investee country's perspectives. We will also look into hot sectors within the tech related M&A, and countries within Southeast Asian where tech related M&A being important.

Sponsoring Committee: International M&A Joint Venture

Program Chair/Moderator: Takashi Toichi, Partner, TMI Associates, Tokyo

Speakers:

Lee Won Chen, Partner, Rahmat Lim & Partners, Kuala Lumpur

Lefan Gong, Partner, Zhong Lun, Shanghai

Kylie Peh, Partner, Wong Partnership, Singapore

10:15 AM – 10:45 AM

Networking Break

Mochar Riady Auditorium Foyer

10:45 AM – 12:00 PM

The Role of Competition Law and Policy in Fostering Innovation and Competition for Artificial Intelligence (CLE)

Artificial Intelligence Track; Competition Law Track; Technology Track

The intersection of competition law and artificial intelligence has long been a topic of discussion. The emergence of generative AI technologies like ChatGPT and Google Bard has reignited debate on the regulatory role of competition authorities, market evolution, and potential antitrust implications. This panel will delve into the challenges of balancing innovation and market equity in AI regulation. Key topics will include AI's impact on innovation, competition and consumer benefits. The panel will explore the complexities of regulating AI while promoting innovation and ensuring fair market competition by bringing together experts from private practice, academia, industry, and government to discuss the economic and social impact of AI and the role of competition law and policy in fostering innovation and competition and safeguarding users.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: International Antitrust Law

Program Co-Chair: Janet Hui, Partner, JunHe LLP, Beijing

Program Co-Chair/Moderator: Hee Eun Kim, Director of Competition Policy, Meta, Singapore

Speakers:

Takayasu Ohta, Director of Market Research on Generative AI, JFTC, Tokyo

Yusuke Takamiya, Partner, Morin Hamada Matsumoto, Tokyo

Tanya Tang, Partner, Rajah & Tann, Singapore

Yan Yu, Partner, RBB Economics, Singapore

Shaping Global Dispute Resolution: The Significance of the Singapore Convention and Other Recent Developments (CLE)

Dispute Resolution Track

Explore the landmark journey and latest developments of the United Nations Convention on International Settlement Agreements Resulting from Mediation, commonly known as the Singapore Convention on Mediation. This pivotal treaty provides a uniform and efficient framework to enforce mediated settlement agreements across borders. Learn about its significance for international trade and how it enhances the predictability and stability of the legal framework for dispute resolution worldwide. Panelists will also discuss developments related to mediation in a variety of jurisdictions around the world.

Sponsoring Committee: International Arbitration; International Mediation

Program Chair/Moderator: Ana Sambold, Mediator/Arbitrator, Sambold Law & ADR Services, San Diego, CA

Speakers:

Tat Lim, Counsel/Mediator, Aequitas Law LLP/Maxwell Mediators, Singapore

Natalie Morris-Sharma, Government Legal Counsel, Attorney-General's Chambers (Singapore), Singapore

Sara Sandford, Attorney Mediator, Benchmark International ADR, LLC, Seattle, WA

Hiroyuki Tezuka, Partner, Nishimura & Asahi (GKJ), Tokyo
Bart Wasiak, Senior Associate, Arnold & Porter, London

The Indo-Pacific Economic Channel: A Framework for Prosperity? (CLE)

Dispute Resolution Track; Trade/Sanctions Track

Asian powerhouses comprise about 40% of the world's GDP. Six of the United States' top 10 trading partners are Asian countries.

As geopolitical tensions intensify, risk for U.S. corporations and investments is increasing. Chinese investments are divesting owing to U.S. legislation, including the CHIPS Act and 'forced sale' of Tik Tok. Retaliatory action in China is underway. This antagonism has shifted investments to other Asian countries.

In this session, international experts will examine investment threats to companies; measures to protect investments and legitimate expectations against a counterparty and sovereign risk; options for dispute settlement with Asian parties; and how careful drafting of dispute resolution clauses can avoid traps, especially involving Chinese, Indian and Vietnamese counterparties.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committees: Central/East Asia & China; Export Controls and Economic Sanctions International Trade; South Asia/Oceania & India

Program Chair/Moderator: **Sidhant Kumar Marwah**, Partner, Unum Law, New Delhi

Speakers:

Vidyut Gulati, General Counsel & Director Legal, Bharti Airtel Limited, South Delhi

Pasha Hsieh, Professor of Law & Jean Monnet Chair, Yong Pung How School of Law, Singapore Management University, Singapore

Chen Ma, Partner, Han Kun, Beijing

Tung Ngo, Managing Partner, Vietnam International Law Firm, Ho Chi Minh City

Alessa Pang, Partner, Wong Partnership LLP, Singapore

12:00 PM – 1:15 PM

Networking Lunch

Mochar Riady Auditorium Foyer

1:15 PM – 2:30 PM

Convergence or Conflict: Decoding the New Balance Between Antitrust and Intellectual Property in Asia (CLE)

Competition Law Track; Technology Track

The intersection of antitrust and intellectual property in Asia is witnessing a notable shift. Protecting innovation remains the pivotal goal of the intellectual property system, which has also emerged as one of the antitrust objectives in the Asia-Pacific, such as China, South Korea, Japan, Singapore, Australia, etc. Meanwhile, patentees in innovation-intensive industries such as high-tech and pharmaceuticals have faced a surge in antitrust scrutiny in complex global mergers, investigations and litigation across various jurisdictions over allegations of excessive pricing and refusal to deal, etc., sparking critical discussions regarding competition issues related to IP rights in mergers, as well as the legitimate exercise of IP rights and the potential for abusive practices. Recent precedents and legislative changes reflect varying perspectives across jurisdictions, underscoring the need for further dialogue regarding the balance between antitrust and IP protection.

Sponsoring Committees: International Antitrust Law; International Litigation; International M&A Joint Venture

Co-Sponsoring Committee: International Intellectual Property Rights

Program Chair/Speaker: Vanessa Yanhua Zhang, Co-Head of the China Competition Practice, Executive Vice President, Compass Lexecon, New York/Beijing

Moderator: Angie Ng, Partner and Head of Asia Competition Practice, Ashurst LLP, Singapore

Speakers:

Cecil Saehoon Chung, Partner, Yulchon, Seoul

Carol Li, Vice President, NetEase, Beijing

Philip Monaghan, Partner and Head of Asia Antitrust & Competition, O'Melveny & Myers, Hong Kong

Hao Zhan, Managing Partner, Anjie Broad Law Firm, Beijing

Investor-State Disputes in an Evolving Geopolitical Landscape (CLE)

Dispute Resolution Track

From the rise of economic nationalism to the challenges posed by global supply chain disruptions, numerous geopolitical factors influence the initiation and resolution of investor state claims. Increasing scrutiny of bilateral and multilateral investment treaties, shifts in international trade dynamics, and concerns around climate change and sustainability are adding layers of complexity to these disputes in an increasingly interconnected yet isolated world.

This panel discussion delves into the latest developments in investor-state arbitration against the context of an evolving geopolitical landscape. This event brings together a diverse and distinguished lineup of experts to provide insights into recent developments in this dynamic area of international law. Featuring a damages expert, counsel, a representative from an arbitral institution, and a former government lawyer, the discussion will explore the multifaceted challenges shaping the field in recent times. Each panelist will share their own unique perspectives, shedding light on key trends from their respective roles in investor-state disputes, including latest developments in case law. Attendees will gain valuable insights into how these developments impact stakeholders on all sides, from investors and states to arbitral institutions. Whether you are a seasoned arbitration professional or new to the field, this event promises a rich discussion that combines expert analysis with practical takeaways.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: International Arbitration Committee

Program Co-Chairs:

Remy Choo, RCL Chambers, Singapore

Paul Tan, One Essex Court, Singapore

Program Co-Chair/Moderator: Darius Chan, Associate Professor of Law (Practice), Singapore Management University, Singapore

Speakers:

Mariam Gotsiridze, Former Head of Arbitration/Principal Research Fellow, Georgia Ministry of Justice/Singapore International Dispute Resolution Academy, Singapore

Luis M. Martinez, Vice President, AAA-International Centre for Dispute Resolution, New York, NY

Oliver Watts, Partner, Osborne Partners, Singapore

Charline O. Yim, Partner, Gibson Dunn & Crutcher, New York, NY

Inhouse Counsel Roundtable on Managing Risks in Transactions, Compliance and Disputes (CLE)

Corporate/Transactions Track; Dispute Resolution Track

Inhouse Counsel perform a very important gate-keeper role in managing transactions as well as risks and ensuring compliance within organizations. They perform both a proactive role as well as a reactive one within the organization. They are the key points of contact vis-à-vis external counsels and other consultants and

professional advisers, working in partnership to ensure the robustness of the Company, whether it be in transaction matters (M&A and others), regulatory issues or in disputes.

In this roundtable session, we explore how in-house counsel manage these issues, how they prioritize what is before them, how they manage business interests with the need to ensure compliance and more. The panel comprises experts who hail from varied industries, jurisdictions and focus. They explore and discuss the challenges they face through panel discussions, case studies, and interactive dialogues to provide practical insights and strategies for both in-house and outside counsel to thrive in a complex and ever-evolving business and political landscape. Are they truly a partner to business?

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: International Corporate Counsel

Program Chair/Co-Moderator: **Kala Anandarajah**, Head, Competition & Antitrust and Trade, Rajah & Tann Singapore LLP, Singapore

Co-Moderator: **Adam Li**, Partner, JunHe LLP, Shanghai

Speakers:

Krisztian Katona, Vice President of Global Competition and Regulatory Policy, Computer & Communications Industry Association (CCIA), Washington, DC

Nuraliza Osman, Group General Counsel, Sembcorp Industries Limited, Singapore

Ida Suryati Ab. Rahim, Group General Counsel & Company Secretary, IHH Healthcare, Kuala Lumpur

2:30 PM – 3:00 PM

Networking Break

Mochar Riady Auditorium Foyer

2:30 PM – 3:00/3:30PM

Meditation Class (Non-CLE)

Auraellia Wang

3:00 PM – 4:15 PM

Navigating the Crossroads: Competition Law and Trade Law in an Era of Increasing-Protectionism (CLE)
Competition Law Track; Trade/Sanctions Track

In today's increasingly protectionist world, the interplay between competition law and trade law has become more complex. This panel explores the critical junctures where both meet, examining how they influence each other in the digital and physical world. It also considers where they can clash e.g. when trade remedies shield domestic industries to the extent that competition is stifled, or when competition policies limit the strategic trade measures that a country can adopt to protect its economic interests. The panel will address these conflicts, discussing how to strike a balance between protecting domestic industries and fostering a competitive global market.

Sponsoring Committee: International Antitrust Law

Co-Sponsoring Committee: International Trade

Program Chair/Moderator: **Joshua Seet**, Partner, Rajah & Tann Singapore LLP, Singapore

Speakers:

Nathan Bush, Partner, DLA Piper Singapore Pte. Ltd, Singapore

David Cardwell, Partner, Baker Botts, Brussels

Andrew Liew, General Counsel & Director, Coca-Cola Beverages Singapore, Malaysia & Brunei, Singapore

Christoph Van Opstal, Partner, Fangda Partners, Hong Kong

Ethical Considerations in International Arbitration Across the Pacific: A Dialogue on Ethical Norms and Standards for Counsel and Arbitrators (ETHICS CLE)

Dispute Resolution Track; Legal Practice and Ethics Track

This panel will discuss differences in ethical rules for counsel and arbitrators in Singapore, Hong Kong, Mainland China, India, and the United States. It will provide practical strategies on how to ensure a level playing field while ensuring compliance with the most relevant ethical obligations. And it will consider how to minimize the risk of an award's non-recognition based on divergent ethical standards among different enforcement courts.

Sponsoring Committee: International Arbitration

Co-Sponsoring Committees: Central/East Asia & China; Northeast Asia, Japan and Korea; South Asia/ Oceania & India

Program Co-Chair/Moderator: **Marcus Quintanilla**, Arbitrator, Global Dispute Resolution, San Francisco, CA

Program Co-Chair/Speaker: **Payel Chatterjee**, Partner, Trilegal, Mumbai

Speakers:

Zhuonan (Joanna) Du, International Partner, King and Wood Mallesons, Beijing

Ramesh Selvaraj, Partner, Allen & Gledhill, Singapore

Xuanzhong Wang, Deputy Counsel, Singapore International Arbitration Centre, Singapore

Nicholas Wiegand, Partner-Head of Dispute Resolution, CMS, Silicon Valley, CA

Singapore: Safe Harbor and Springboard (CLE)

Restructuring/Private Wealth Track

The first part of the program provides an overview of Singapore's inbound policies such as tax incentives for building a safe harbor for global wealth. In 2021, Singapore received S\$428 billion (US\$317 billion) in capital inflows. Notable figures like Ray Dalio, Sergey Brin, and Eduardo Saverin have set up family offices in Singapore. The second part explores why Singapore is a springboard for investments in Southeast and North Asia, covering tax treaties, legal frameworks, and investment dispute resolution. This program focuses on strategies of high-net-worth individuals and corporations choosing Singapore as a safe harbor and investment hub, rather than an academic discussion of the legal regime.

Sponsoring Committee: International M&A and Joint Venture

Co-Sponsoring Committees: Central/East Asia & China; International Finance & Securities

Program Co-Chair: **Kelly Ian I Lei**, International Lawyer, Drew & Napier LLC, Singapore

Program Co-Chair/Moderator: **Julian Kwek**, Director, Drew & Napier LLC, Singapore

Speakers:

Chuyen Hong Huu Le, Partner, Tilleke & Gibbins, Ho Chi Minh City

Eugene Lim, Founding Principal and Asia Pacific Chief Operations Officer, Taxise Asia LLC, Singapore

Maria Sagrado, Managing Partner, Makarim & Taira S., Jakarta

4:15 PM – 4:45 PM

Networking Break

Mochar Riady Auditorium Foyer

4:45 PM – 6:00 PM

Closing Plenary:

Mochar Riady Auditorium

Navigating the Complexities of Global Supply Chains: Legal Perspectives and Strategic Insights (CLE)

Trade/Sanctions Track

Global supply chains have become increasingly vulnerable to geopolitical, economic, and regulatory risks, particularly due to escalating tensions between the U.S. and China, new trade barriers, sanctions, ESG considerations, and cyber and data privacy concerns. These complexities have driven companies to adopt diverse strategies, such as exiting the Chinese market or diversifying supply chains by shifting operations to other regions. De-risking supply chains has become crucial, involving the identification, assessment, and mitigation of risks across sourcing, manufacturing, logistics, and distribution.

Sponsoring Committee: Conference Planning Committee

Co-Sponsoring Committee: Central/East Asia & China

Program Co-Chairs/Speakers:

Jianwei (Jerry) Fang, Partner, Zhong Lun Law Firm, Shanghai

K. Lesli Ligorner, Partner, Morgan Lewis, Beijing

Moderator: Amy Sommers, Retired China Practice Lawyer, Former Chair, ILS China Committee, Seattle WA

Speakers:

Fi Ling Quak, Partner, Wong Partnership, Singapore

Jean Xu, Associate General Counsel, Ferguson Enterprises, Shanghai

6:00 PM – 6:15 PM

Closing Remarks

Mochar Riady Auditorium

6:30 PM – 7:15 PM

Registration and Snacks

Singapore Cricket Club

7:15 PM – 8:15 PM

Fireside Chat with Minister Kasiviswanathan Shanmugam SC (Non-CLE)

Singapore Cricket Club

8:15 PM – 9:30 PM

Closing Reception (*Separately ticketed - \$95*)

Singapore Cricket Club

SATURDAY, MARCH 1, 2025

Optional Saturday Excursions

Join your Section colleagues for an excursion in Singapore after the conference. Please note that these excursions are not ticketed events and are separate from the Conference. For more information and to sign up for the specific event, please go to <https://ambar.org/SingaporeLS25> and click on Saturday Excursions.

9:30 AM – 1:30 PM

Optional Excursion: A Walk in Singapore Botanic Garden and Lunch - A UNESCO World Heritage Site

11:30 AM – 1:00 PM

Optional Excursion: Tour of the National Museum of Singapore (History Gallery)

6:00 PM – 8:30 PM

Optional Excursion: Singapore River Stroll & Sunset Cocktails at a Rooftop Bar

CLE INFORMATION

The ABA will seek **14.0 hours** of CLE credit in **60-minute states**, including 1.50 hours of Ethics/Professional Responsibility credit and 1.25 hours of Technology credit, and **16.8 hours** of CLE credit in **50-minute states**, including 1.80 hours of Ethics/Professional Responsibility credit and 1.50 hours of Technology credit for this program. Credit hours are estimated and are subject to each state's approval and credit rounding rules.

Please visit the program website at <https://ambar.org/SingaporeILS25> for program CLE details or visit americanbar.org/mcle for general information on CLE at the ABA.

SINGAPORE INSTITUTE OF LEGAL EDUCATION (SILE) CPD POINTS



No. of Public CPD Points:

Day 1: 0

Day 2 (SMU): 6.5

Day 2 (Supreme Court): 1.5

Day 3: 6.5

Participants who wish to obtain CPD Points must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, participants are reminded to sign in on arrival and sign out at the conclusion of each day of the event in the manner required by the organiser. Participants must not be absent from each day of the event for more than 15 minutes.

Participants who attend Day 2 (SMU) and comply strictly with the Attendance Policy on that day may obtain 6.5 Public CPD Points. Participants who attend Day 2 (Supreme Court) and comply strictly with the Attendance Policy on that day may obtain 1.5 Public CPD Points.

Participants who attend Day 3 and comply strictly with the Attendance Policy on that day may obtain 6.5 Public CPD Points.

Participants who do not comply with the Attendance Policy on any particular day of the event will not be able to obtain CPD Points for that day. Please refer to <http://www.sileCPDcentre.sg> for more information.

SCHOLARSHIP INFORMATION

A limited number of scholarships to defray tuition expenses are available for this program. For programs with tuition costs over \$500, qualifying attorneys will receive at least a 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs associated with the meeting.

To apply, send a letter outlining the basis of your request for a fee reduction by **February 7, 2025**, to Intlawmeetings@americanbar.org.