

Jinhui ZHANG Partner

Dispute Resolution



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📍 Beijing

Jinhui Zhang is a partner at Merits & Tree Law Offices. His practice focuses on dispute resolution, with particular emphasis on cross-border commercial litigation and arbitration. Prior to joining Merits & Tree, Mr. Zhang practiced for years at leading domestic and international law firms, including King & Wood and Jingtian & Gongcheng.

Mr. Zhang has extensive experience representing domestic and international clients in a wide range of complex commercial disputes. With a keen understanding of clients' commercial objectives and the underlying transactional dynamics, he navigates complex factual and legal relationships, identifies the key issues in dispute, and delivers practical, integrated dispute resolution strategies. He has represented clients in numerous arbitrations before leading arbitration institutions in China and abroad, as well as in litigation before PRC courts at all levels, including the Supreme People's Court. His cross-border dispute resolution experience encompasses international arbitration, parallel proceedings across jurisdictions, the cross-border recognition and enforcement of court judgments and arbitral awards, cross-border service of process and evidence taking, PRC regulatory compliance reviews concerning the cross-border transfer of evidence from mainland China, and advice on PRC law issues arising in litigation and arbitration proceedings outside mainland China.

Mr. Zhang's clients primarily include multinational corporations, privately owned enterprises, and state-owned enterprises, including a number of Fortune 500 companies and companies listed in China and overseas. His experience spans investment and financing, healthcare, internet and technology, real estate, international trade, industrial manufacturing, financial services, energy, and artificial intelligence.

Achievements

International Arbitration

- Represented Hong Kong and Canadian investors in a dispute with a Cayman Islands company arising from an investment in and

acquisition of a Chinese ice cream chain company. Acted as sole counsel throughout an English-language arbitration administered by the Hong Kong International Arbitration Centre (HKIAC), obtaining an award granting all claims asserted by the clients. Thereafter, assisted the clients in commencing enforcement and company winding-up proceedings in the Cayman Islands, ultimately securing a settlement and recovery.

- Represented a U.S. pharmaceutical research and development company in a cross-border licensing agreement dispute with a Hubei-based technology company, involving parallel proceedings in an ad hoc arbitration administered by the Hong Kong International Arbitration Centre (HKIAC) and before courts in Mainland China. Obtained a decision on jurisdiction confirming the tribunal's jurisdiction and a partial award ordering the counterparty to bear the relevant costs. Also secured favorable rulings from the Wuhan Intermediate People's Court and the Hubei High People's Court confirming the validity of the ad hoc arbitration agreement, followed by an order from the Huanggang Intermediate People's Court recognizing and enforcing the partial award on costs.
- Represented a leading cross-border payments company in an arbitration administered by the Hong Kong International Arbitration Centre (HKIAC) arising from a cross-border payment services cooperation; obtained a favorable award in a dispute involving several hundred million RMB.
- Represented a PRC-listed new energy company in an investment dispute with an Australian counterparty in an arbitration administered by the ICC International Court of Arbitration, seated in Sydney and conducted in English, with an amount in dispute exceeding the equivalent of RMB 100 million.
- Represented a Chinese real estate company in a contractual dispute in an arbitration administered by the American Arbitration Association's International Centre for Dispute Resolution (AAA-ICDR), seated in New York and conducted in English.
- Represented a major investment group in an arbitration against a leading European insurance company arising from a performance-based valuation adjustment arrangement. The arbitration was conducted in Chinese and English under international arbitration procedures and heard by a three-member arbitral tribunal comprising arbitrators from three different countries. Ultimately achieved a settlement that met the client's commercial and legal objectives.

Cross-Border Litigation

- Represented a leading Chinese internet company in connection with a U.S. investor class action, participating in discovery and advising on PRC law issues.
- Represented a PRC-listed company in connection with U.S. antitrust litigation, participating in discovery and advising on PRC law issues.
- Represented a leading Singapore-based multinational trading company in disputes with a PRC-listed company and its subsidiaries concerning intellectual property and trade secrets. Participated in related proceedings in Mainland China, the United States, and Singapore, ultimately securing a favorable judgment and facilitating a settlement with the opposing party, under which the client received more than RMB 100 million.
- Assisted a state-owned financial institution in responding to mutual legal assistance proceedings and a criminal investigation initiated by the judicial authorities of a European country, ultimately helping the client resolve the matter through a settlement with the authority for a relatively modest amount and avoid criminal liability.

PRC Litigation and Arbitration

- Represented the founder of an artificial intelligence healthcare company and the founder's offshore investment vehicle in defending a share repurchase arbitration. Notwithstanding that several co-respondents had accepted that the repurchase conditions were satisfied, the client argued that the trigger event specified in the agreement had not occurred. The tribunal accepted this position and dismissed all of the claimant's claims, relieving the clients of more than RMB 100 million in repurchase liability.
- Represented a leading investment fund in a share repurchase arbitration against a technology company and its founders. Although the investment amount had not been paid, the tribunal granted the client's request for repurchase at nil consideration and confirmed that the client had no further obligation to pay the investment amount.
- Represented the founder of a leading endoscopy company in a performance-based valuation adjustment dispute with a listed medical device company. Acted for the party subject to the performance compensation obligation and commenced arbitration seeking a reduction of such obligation. The case concerned the impact of the COVID-19 pandemic on the performance adjustment mechanism. The tribunal applied the doctrine of change of circumstances and reduced the client's performance compensation liability by 50%, equivalent to approximately RMB 40 million.
- Represented an overseas investment institution in share repurchase litigation and arbitration against a Chinese real estate company

and its ultimate controller. Commenced parallel proceedings against the principal debtor and the guarantor in a dispute involving several hundred million RMB, and obtained preservation orders over bank deposits, equity interests, and real property in both proceedings. Ultimately secured a settlement that enabled the client to exit its investment.

- Represented the founder of a biotechnology company in a share transfer dispute with a listed biotechnology company. Commenced arbitration before the Shanghai Sub-Commission of the China International Economic and Trade Arbitration Commission (CIETAC) and, through the arbitration and related negotiations, secured payment of more than RMB 150 million in share repurchase consideration.
- Represented a state-owned financial institution in responding to a financial derivatives-related risk event, including participating in the development and implementation of the risk mitigation plan and acting in a series of resulting litigation proceedings. One of the cases was selected by the Supreme People's Court as one of the 2020 Top Ten Commercial Cases of Chinese Courts.
- Represented a private equity fund in share repurchase litigation against the shareholders of a leading software company, and obtained a favorable judgment awarding more than RMB 30 million and achieved full recovery.
- Represented a state-owned sectoral investment fund in share repurchase litigation against the ultimate controller of a biotechnology company, and obtained a favorable judgment awarding more than RMB 40 million.

Education

LL.M., University of International Business and Economics

B.A., Xi'an International Studies University

Admissions

PRC Bar

Language

Chinese、English