



- Accountants and accounting
firms, 13, 160–161
- Accounting systems. *See*
Recordkeeping/reporting
- Acquisitions. *See* Mergers,
acquisitions and divisions
- Administration of Quality
Supervision, Inspection,
and Quarantine (AQSIQ)
food safety oversight, 593,
595, 604–605, 606
principal functions of, 64n48
product quality oversight,
571–572, 573, 575–576
- Advertising and advertising agencies
consumer protection laws
governing, 580–586,
617–618
foreign investment
regulations in, 162
Internet-based advertising,
240n73, 247–248
pharmaceutical sector advertising,
582–583, 617–618
- Agents and agency
agency contracts, 308–309,
320–321
foreign trade agency
contracts, 320–321
insurance agents and
brokers, 554–556
patent agents, 674, 677n214
tendering agents, 349, 616n203
- Agreement on Trade-Related
Aspects of Intellectual
Property Rights (TRIPS),
8, 627n1, 687–688n267
- Agricultural Bank of China
(ABC), 450
- Agricultural Development Bank
of China (ADB), 450
- Agriculture industry. *See* Food/
agriculture industry
- All-China Federation of Trade
Unions (ACFTU),
413–414n22
- Alternative dispute resolution. *See*
Arbitration; Mediation

- American Chamber of Commerce
 China, 18n45, 60n29,
 265n147, 1085n43
- Anhui Provincial Import and
 Export Corp. v. Hart
 Enterprises International,
 Inc.*, 997n150
- Annual inspections. *See* Inspections
- Anti-dumping regulations, 736–742
- Anti-Monopoly Law
 dominant market position abuse
 prohibition, 920–921
 enterprise concentration
 regulation, 923–929
 investigations and private rights
 of action, 921–922
 on mergers/acquisitions,
 901–902, 917–930
 monopolistic agreement
 prohibition, 591–592,
 624, 918–920
 national economic security
 review, 930
 penalties for violation of, 592,
 920, 921–922, 927
- Anti-subsidy regulations, 742–744
- Apex Tech Investment Ltd. v.
 Chuang's Development
 (China) Ltd.*, 986n95
- Arbitration
 application for, 978–979
 appointment of foreign
 counsel in, 979–980
 arbitration agreements,
 973–977, 1001–1004
 arbitration awards, 986–
 989, 994–1001
 arbitrator appointment,
 981–982, 1005
 cancellation of awards, 994–995
 case hearings, 982–984
 choice of forum, 977,
 983, 1002n165
 choice of law, 976
 CIETAC procedures, 978–992
 contract-related, 292
 discovery/evidence for, 984–985,
 992–994, 1003n167
 drafting arbitration clauses
 in China, 1001–1004
 enforcement of awards, 995–1001
 expert witnesses/appraisals,
 985–986
 financial dispute arbitration
 rules, 990–992
 labor-related, 434–436
 mediation during, 965–967
 number of cases, 970
 pre-arbitration and interim
 protection of property/
 evidence, 992–994,
 1003n167
 scope of arbitration and
 jurisdiction, 968–972
 securities-related, 817–819
 summary of key laws
 on, 1005–1006
 summary proceedings, 989–990
- Archaeological excavations,
 850, 853
- Articles of association
 of company limited by
 shares, 766–767
 by FIEs, 87–88n21, 105,
 142–143
 insurance regulations on, 543n28
 securities regulations on,
 794–796
- A-shares, 762, 810–814
- Asset appraisal enterprises, 162

- Assignment
of contracts, 287
of FIE investor interests,
144–146
of intellectual property rights,
640–641, 658–659, 681
of land-use rights, 835–846
of mortgaged property, 330
- Audiovisual products, 176, 627–
628n1, 628n3, 665, 713n64
- Audits
customs, 731–732
financial regulations on, 461, 477,
485, 499, 515, 523–525, 535
securities regulations on, 808
tax, 398–399n127
- Automobiles and automotive
industry
automotive finance companies,
498n221, 500–501
energy industry and,
204–205, 857
environmental regulations
on, 204–205, 857, 880
foreign investment regulations
in, 203–206
market access to, 9–10
vehicle tax and surcharge,
397n125
- Aviation/airport infrastructure
industry, 206–207
- Banking and financial institutions
annual inspections of, 525–527
arbitration of financial
disputes, 990–992
audits of, 461, 477, 485, 499,
515, 523–525, 535
automotive finance companies,
498n221, 500–501
branch offices, 455n22,
467, 469–470, 475
capital requirements, 458,
469, 475, 480, 496, 497,
499, 500–501, 512–513
commercial banks
approval procedures
for, 456–458
authorized activities
of, 454–456
Commercial Bank
Law, 453–467
creation of, 450
as custodian banks, 812–813
operational standards, 458–467
consumer finance enterprises,
501–503
custodian banks, 812–813
depositor protection, 460–461
employee standards, 462,
478–479, 503
enterprise group finance
companies, 495–496
establishment/licensing of,
456–458, 468–473,
492, 497–498, 512
financial leasing companies,
303–304, 388n86, 496–499
financial regulation, 449–535
(*See Laws and regulations,
financial for detail*)
foreign
establishment/registration
of, 468–473
foreign-invested enterprise
financial institutions,
467–480
liquidation of, 479
management personnel
of, 478–479

- Banking and financial institutions
 foreign, *continued*
 operational scope of, 474–475
 reserve requirements, 476–477
 WTO agreements on, 10
 foreign exchange transactions
 (See Foreign exchange)
 foreign-invested enterprise
 bank accounts, 83
 foreign-invested enterprise
 financial institutions,
 467–480
 foreign investment in, 181, 480
 guarantees, 347n38
 immaturity of banking
 system, 24
 liquidation of, 479, 486, 499,
 509, 510, 512, 518n327,
 522–523
 market access to, 10, 1088
 money laundering, 464–467,
 529–530, 1043–1044
 number/types of, 449–451
 online banking, 462–464
 operational standards/scope
 of operations, 454–456,
 458–467, 474–475,
 498, 502n237, 513
 public offering fund
 collections by, 764
 recordkeeping/reporting by,
 461–462, 477, 485, 499,
 503, 515–523, 535
 reserve ratios, 460n48,
 476–477, 514–515
 risk management systems for,
 459
 takeovers of, 461–462
 tax issues, 370n14, 388n87
 trust companies, 511–515
- See also* Insurance sector;
 Leases; Loans; People's
 Bank of China; *specific
 banks by name*
- Bank of China (BOC), 450
- Bankruptcy
 automatic stays triggered
 by, 950–951
 bankruptcy estate
 administrator, 949–952
 bankruptcy estate (property/
 assets), 953
 bankruptcy expenses, 954
 claims procedures, 954–955
 creditors' meetings/
 committees, 955–957
 Enterprise Bankruptcy
 Law, 945–961
 financial regulations on, 499
 insurance regulations on,
 542, 544n36, 563
 leased property and, 303
 legal liability, 960–961
 liquidation and, 942, 959–960
 petition and case acceptance,
 947–949
 restructuring and
 reorganization, 957–958
 settlement and compromise,
 958–959
 summary of key laws, 961–962
- Beijing, China
 domain name registration
 in, 249–250
 FIE headquarter establishment
 rules, 148n246
 foreign investment in, 159n3
 Internet regulations, 237n64,
 240–241n73
 joint mediation center in, 967

- judicial system in, 648, 1009
- labor issues in, 411n18, 413n22, 419–421nn46–48
- legislative structure, 56, 65
- Olympic Games 2008 in, 627n1, 635n27
- Supreme People's Court in (*See* Supreme People's Court)
- Boards of directors
 - bankruptcy liability, 960–961
 - of companies limited by
 - shares, 763–764, 768, 769–771, 772n64
 - corporate governance
 - standards on, 788–789
 - director and officer liability, 1038–1046
 - of limited liability
 - companies, 134n203
 - stock ownership by, 392nn104–105, 786–787
- Bonded warehouses/factories/
 - zones, 717–719, 751–753
- Bonds
 - corporate, 548n50, 770n54, 783
 - performance, 347n38, 352n63
- BOT (build, operate, transfer), 129–130
- Branch offices
 - of banks/financial institutions, 455n22, 467, 469–470, 475
 - of FIEs, 117–118, 122, 467, 469–470, 471, 475
 - of insurance companies, 544–545
 - See also* Representative offices
- Bribery. *See* Corruption/bribery
- Brokers
 - insurance agents and brokers, 554–556
 - securities brokerage/trading firms, 803–806
- B-shares, 758, 762, 796–800
- Buddhism, 40n9
- Business climate, 26–30
- Business licenses. *See* Licenses, business
- Business tax, 369–372, 401–402
- Cadastral survey system, 839
- Capital requirements
 - financial regulations on, 458, 469, 475, 480, 496, 497, 499, 500–501, 512–513
 - foreign-invested enterprise, 18, 83, 106, 107n82, 108, 127, 134, 146, 164–165, 172, 185–186, 195
 - insurance regulations on, 540, 541–542, 545, 550–551, 555–556, 559–560
 - mergers and acquisitions
 - regulations on, 898–899, 900, 905–906
 - real estate sector, 847nn122–123, 848n127
 - securities regulations on, 763, 779–780, 801, 806n205, 811–812, 814, 816
 - telecommunications sector, 220n14
- Cars. *See* Automobiles and automotive industry
- Central People's Government. *See* State Council
- Certification organizations
 - China Information Security Certification Center (ISCCC), 265

- Certification organizations,
continued
- China National Certification and Accreditation Administration, 571–572n8
 - foreign-invested, 171–172, 573
- Chambers of commerce, 163–164
See also American Chamber of Commerce China
- Charitable trusts, 510
- Chemicals/chemical fertilizers, 207, 421, 583, 674, 863, 864, 867–868n58
- China, People's Republic of
- economy of, 1–4
 - foreign direct investment in, 2
 - literacy rate, 1–2
 - population of, 1n1
 - President of, 59
- China Anti-Money Laundering Monitor and Analysis Center (CALMAC), 466
- China Banking Regulatory Commission
- automotive finance company oversight, 501
 - consumer finance enterprise standards, 501–503
 - enterprise group finance company application to, 496
 - financial institution approval procedures, 181, 456–458, 468–473
 - financial leasing company approval procedures, 497–498
 - formation of, 24, 452
 - online banking standards, 462–464
 - principal functions of, 64n49
 - trust company regulation, 511–515
- China Financial Futures Exchange, 762
- China Futures Association, 762
- China Information Security Certification Center (ISCCC), 265, 562–563
- China Insurance Regulatory Commission (CIRC)
- agent/broker approval/supervision by, 555–556
 - approval procedures of, 542–544, 560–562, 566
 - insurance fund administration regulations, 547–549
 - penalties imposed by, 564–565
 - premium rate set by, 554
 - role of, 538–539
- China International Economic and Trade Arbitration Commission (CIETAC), 291n87
- application for arbitration before, 978–979
 - appointment of foreign counsel, 979–980
 - arbitration awards, 986–989
 - arbitration procedures, 978–992
 - arbitrator appointment, 981–982
 - case hearing procedures, 982–984
 - discovery/evidence rules, 984–985
 - expert witness/appraisal rules, 985–986
 - financial dispute arbitration rules, 990–992
 - joint conciliation procedures, 967
 - jurisdiction of, 969–972

- mediation recommendation
 - by, 965–966
 - summary proceedings, 989–990
- China Internet Network Information Center (CNNIC), 248–249
- China Maritime Arbitration Commission (CMAC), 969
- China Nanhai Oil Joint Service Corp. v. Gee Tai Holdings Co. Ltd.*, 997n151
- China Securities Depository & Clearing Corporation, 762, 781
- China Securities Regulatory Commission (CSRC)
 - A-share oversight, 810–812
 - brokerage/trading firm oversight, 803–806
 - B-share oversight, 796–800
 - FIE securities company oversight, 815–817
 - overseas listing of domestic shares oversight, 793–796
 - own-account securities trading oversight, 806–808
 - principal functions of, 64n50, 181, 759–760
 - public offering approvals by, 773–777, 779–781, 784–793
 - takeover regulations, 912–917
- China Software Industry Association, 256–257
- China Telecom, 216–217
- Chinese Communist Party (CCP), 25–26, 50, 51–53, 59, 403–404
- Chinese Mixed Courts, 45
- Choice of forum, 977, 983, 1002n165, 1011–1016
- Choice of law, 104–105, 277n16, 291–292, 311–312, 976, 1012n15
- Chongqing, China, 56, 65, 1009, 1068n1
- Chung Hui Wang, 49
- Civil justice system
 - administrative litigation, 1032–1034
 - appeals, 1009, 1029–1031
 - Civil Procedure Law, 71, 273, 967, 986, 992–1000, 1009–1011
 - class action suits, 1017n30, 1020
 - discovery/evidentiary rules, 1020–1028
 - enforcement of judgments, 1031–1032
 - jurisdictional issues, 1011–1016
 - limitations period, 1018–1019
 - participants in civil proceedings, 1016–1017
 - pleading rules, 1019–1020
 - service of process, 1017–1018
 - summary of keys laws on, 1035
 - trial procedure and supervision, 1028–1031
- Clean production law, 887–888
- Closer Economic Partnership Arrangement (CEPA), 1086–1089
- Coastal zone regulations, 1071–1072
- Coca Cola/Huiyuan* acquisition decision, 928n112
- Collateral. *See* Securities
- Collective bargaining agreements, 413–414
- Collusion, 348, 353, 1045

- Commercial banks
 approval procedures for, 456–458
 authorized activities of, 454–456
 branch offices of, 455n22
 Commercial Bank Law, 453–467
 creation of, 450
 as custodian banks, 812–813
 operational standards, 458–467
- Company Law, 133–135,
 762–772, 936, 938
- Company limited by shares
 articles of association, 766–767
 board of directors of, 763–764,
 768, 769–771, 772n64
 capital requirements, 763
 Company Law on, 762–772
 defined, 762–763
 establishment of, 763–765
 FIEs as, 135–136, 152, 800–803
 insurance companies as, 539
 licensing of, 765
 merger/acquisition of, 905
 recordkeeping by, 766–767
 securities regulations on,
 800–803
 shareholder meetings,
 764–765, 767–769
 supervisory committee of,
 763–764, 771–772
 trust company as, 512
- Competition
 consumer protection
 regulations on, 586–589
 monopolies limiting (*See* Anti-
 Monopoly Law; Monopolies/
 monopolistic pricing)
 pricing standards impacting,
 589–590
 unfair, 319–320, 586–589,
 1057n69
- Computers. *See* Information
 technology; Internet;
 Software; Technology
- Confucius and Confucianism,
 36–38, 39, 40, 51
- Constitution, Chinese
 adoption of, 48, 55
 on CCP legislative authority, 59
 on equality, 56
 on presidential role, 59
 on private property rights,
 26–27, 755, 825, 829n12
- Construction and engineering sector
 accounting system for
 construction in
 progress, 518n319
 construction land use
 rights, 832, 852
 construction project
 contracts, 306–308
 criminal liability for industrial
 accidents, 1039–1040
 environmental regulations on,
 859–860n14, 864, 870,
 875, 879, 882, 885–887
 foreign investment regulations
 in, 164–167
 market access to, 10
 project financing for, 487–490
 real estate development
 by, 846–848
 tax issues, 369n7, 371
 telecommunication
 construction, 225–227
 tender laws (*See* Laws and
 regulations, tender)
- Construction Bank of China
 (CBC), 450
- Consumer finance enterprises,
 501–503

- Consumer protection
- advertising standards,
 - 580–586, 617–618
 - certifications, 571–573
 - counterfeit products, 575–576
 - food processing standards,
 - 583, 592–609, 624
 - laws and regulations, 569–626
 - (*See Laws and regulations, consumer protection for detail*)
 - liability issues, 574–575, 606–609
 - medical device/instrument
 - standards, 582–583, 619–620
 - penalties/remedies for violation of laws/regulations, 572–573, 575, 576–577, 579–580, 585–586, 588–589, 594, 602, 606–609, 611n191, 612–613nn194–195, 619
 - pharmaceutical standards,
 - 582–583, 609–619, 624–626
 - pricing standards, 589–592, 616–617, 623–624
 - product quality, 569–577
 - standards and remedies
 - for, 577–579
 - summary of key laws, 622–626
 - tort law, 620–621
 - unfair competition
 - regulations, 586–589
- Consumption tax, 378–379, 401, 694, 709
- Contracts
- agency contracts, 308–309, 320–321
 - arbitration clauses in, 973–977, 1001–1004
 - assignment/amendment of, 287
 - award of, 349–354
 - buy-out provisions, 102–103
 - choice of law, 104–105, 277n16, 291–292, 311–312, 976, 1012n15
 - construction project
 - contracts, 306–308
 - contract law, 273–335 (*See Laws and regulations, contracts for detail*)
 - deposits as security, 334–335
 - direct sales contracts, 170
 - dispute resolution, 104–105, 277n16, 292nn88–89
 - easement contracts, 831
 - electricity, water, gas, and heat power supply and usage contracts, 299
 - electronic signatures,
 - 241n73, 276–277n14
 - finance lease contracts, 303–304
 - foreign trade agency
 - contracts, 320–321
 - formation of, 276–282
 - guarantees, 323–326, 347n38, 459–460
 - hire of work contracts, 304–306
 - insurance contracts, 322, 552–554
 - joint venture contracts,
 - 102–105, 292nn88–89
 - labor contracts, 408–414, 443–444
 - land-grant/land-use contracts,
 - 834, 836–838
 - lease contracts, 301–303, 837, 845
 - lien contracts, 334
 - loan contracts, 299–300
 - manufacturing contracts, 310
 - mortgage contracts, 327–331, 842–846

- Contracts, *continued*
- oral contracts, 276
 - partnership contracts, 109, 111–112
 - party obligations, 103–104, 109
 - performance of, 282–283, 284–287
 - pledge contracts, 331–333, 831–832
 - processing trade contracts, 115–116
 - purchase and sales of goods contracts, 295–299
 - remedies for breach of, 289–291
 - secured interest contracts, 322–335, 831–832
 - specialized contracts, 294–322
 - statute of limitations, 293
 - summary of key laws, 273–275nn1–7, 335
 - supplier contracts, 360–361
 - technology contracts, 274, 309–320
 - termination of, 104, 129, 284, 287–288, 290n84, 412n20, 420–421, 425–429, 443–444
 - trust contracts, 504–505, 514
 - validity of, 282–284
 - See also* Tenders
- Convention and exhibition companies, 168
- Copyrights
- book publishers', 664–665
 - domain names and, 249n102
 - entertainment industry, 627–628n1, 628n3, 665–666
 - fair use and, 657–658
 - history of law, 649–650
 - infringement standards, 657
 - joint rights, 655–656, 661
 - laws and regulations on, 649–672, 689–690
 - licensing and assignment of, 658–659, 662–663
 - penalties/remedies for violation of laws/regulations, 663n153, 666–672, 1047
 - principles of law, 650–657
 - software, 260, 628n3, 653n108, 659–664
- Corporate bonds, 548n50, 770n54, 783
- Corporate governance standards, 788–789
- Corruption/bribery
- China's rules on corruption and gift giving, 1050–1057
 - collusion, 348, 353, 1045
 - guanxi* (personal connections) and, 78–79, 92, 1049–1050
 - judicial personnel, 1031, 1051n39
 - practice tips on gift-giving in China, 1062–1063
 - tender regulations on, 348
 - U.S. Foreign Corrupt Practices Act, 1057–1063
- Council of Physical Culture & Sports, 64
- Counterfeit products, 575–576
- Courts
- Chinese Mixed Courts, 45
 - consular, 44
 - levels of, 70, 1008–1009
 - structure of, 1007–1031
 - See also* Judicial system; Supreme People's Court
- Creditors
- bankruptcy objections by, 949–950
 - bankruptcy petition by, 948

- claims by, 941, 954–955
- creditors' meetings/
 - committees, 955–957
- notice of liquidation to,
 - 940, 959–960
- voting by, 958, 959
- Crimes/criminal liability
 - collusion as, 1045
 - corruption/bribery as,
 - 1031, 1049–1063
 - customs violations as,
 - 721, 728, 730
 - director and officer liability,
 - 1038–1046
 - economic crimes, 1042–1046
 - environmental crimes, 858,
 - 1049
 - government procurement
 - liability, 361–362
 - Hong Kong National Security
 - Bill on, 1080n27
 - industrial accidents as,
 - 1039–1040
 - intellectual property infringement
 - as, 649, 663, 671–672,
 - 687, 688, 1046–1048
 - interested party transactions
 - as, 1045–1046
 - land use/property right
 - violations as, 841
 - personal data disclosure,
 - 251, 1043
 - record falsification as,
 - 1038–1039, 1042,
 - 1043–1044
 - securities violations as,
 - 820, 1040–1042
 - summary of key laws
 - on, 1063–1065
 - tax-related, 398
 - telecommunication, 228–230,
 - 241–242, 241n74,
 - 242n76, 251
 - trade secret/state secret
 - disclosure as, 1048
- Criminal justice system
 - extraterritorial privilege, 41–50
 - history of, 71, 1010, 1037–1038
 - See also* Crimes/criminal liability
- Cultural resource preservation,
 - 850, 853
- Cultural Revolution, 53, 630
- Currency. *See* Foreign exchange
- Custodian banks, 812–813
- Customs
 - anti-dumping regulations,
 - 736–742
 - anti-subsidy regulations, 742–744
 - audits and record inspections,
 - 731–732
 - bonded warehouses/factories/
 - zones regulation,
 - 717–719, 751–753
 - compliance strategies, 735–736
 - customs regulatory
 - system, 695–696
 - declaration/examination of
 - imports/exports, 697–698
 - duties and taxes, 17, 253,
 - 374–375, 375–376n41, 379,
 - 397, 694, 698–708, 709–711
 - enforcement of customs
 - laws, 694, 720–732
 - excluded/restricted
 - goods, 712–714
 - FIE import control
 - standards, 714–716
 - food industry customs clearance
 - certificate, 604–605
 - history of customs law, 693–695

- Customs, *continued*
- import/export procedures, 696–720
 - inspections, 696, 697–698, 713, 714n67, 716, 717, 718n78, 731–732
 - intellectual property rights protection, 687–688, 691, 728, 733–735
 - laws and regulations on, 693–753
(*See Laws and regulations, customs and trade for detail*)
 - licensing issues, 317–319, 712n61, 714–715, 714n65
 - passengers and personal use article regulations, 719–720
 - penalties/remedies for violation of laws/regulations, 720–732
 - pharmaceutical industry customs clearance certificate, 615
 - processing trade regulations, 716–717, 751–752
 - rules of origin, 711–712, 1086–1087
 - summary of key laws, 746–753
 - tariffs and (*See Tariffs*)
 - trade remedies, 720–732, 736–746, 753
 - trade safeguard regulations, 744–746
 - transportation services interaction with, 696–697, 720–727, 729
 - valuation of imports/exports, 14n34, 698–708
- See also* Exports; Imports; Trade
- Dalian Commodity Exchange, 761
- Damages. *See* Penalties; Remedies
- Daoism, 38–39, 40
- Data protection, 242n76, 247, 250–252, 1043
- Deed tax, 397n123
- Deng Xiaoping, 1, 56
- Deposits, 334–335, 460–461
- Depreciation/amortization, 383
- Diplomats/consular personnel, 714n67
- Direct marketing operations, 168–170
- Disabilities, employment of persons with, 416n32
- Disclosure
- employment and labor regulations on, 415
 - personal data disclosure, 251, 1043
 - public offering requirements, 784–786
 - securities regulations on, 784–786, 799–800, 801n183
 - of state secrets, 75, 75n93, 228, 229n39, 241n74, 269, 355n69, 674, 675n205, 1020, 1021n50, 1034n124, 1048
 - takeover regulations on, 913
 - trade secret disclosure, 319–320, 586n90, 587, 1048
- Discovery/evidentiary rules, 984–985, 992–994, 1003n167, 1020–1028
- Dispute resolution
- choice of forum, 977, 983, 1002n165, 1011–1016
 - choice of law, 104–105, 277n16, 291–292, 311–312, 976, 1012n15

- contractual language on,
 - 104–105, 277n16,
 - 292nn88–89
- domain name disputes,
 - 249nn101–102
- labor-related, 409n9, 432–437, 444
- securities disputes,
 - 759n10, 817–819
- summary of key laws
 - on, 1005–1006
- WTO, 19–20
- See also* Arbitration;
 - Litigation; Mediation
- Distribution sector, 10–11, 174–175, 187, 213
- Domain name registration,
 - 248–250, 271–272
- Domestic enterprises
 - anti-subsidy regulations
 - protecting, 742–744
 - financial institutions as, 480
 - foreign exchange control
 - and, 490–491
 - foreign investment in, 480
 - foreign investor merging
 - with/acquiring, 441,
 - 896–902
 - insurance companies as, 539
 - overseas listing of domestic
 - shares, 793–796
 - qualified domestic institutional
 - investors, 810–814
 - trade remedies protecting,
 - 736–746
 - trade safeguard regulations
 - protecting, 744–746
 - See also* State-owned
 - enterprises (SOEs)
- Drug manufacturers. *See*
 - Pharmaceutical sector
- Easement rights, 831
- e-commerce, 240–241n73, 270–271
- Economic and technological
 - development zones, 1068
- Economic Contract Law, 274
- Economy
 - of China, 1–4
 - currency valuation, 23–24
 - economic crimes, 1042–1046
 - economic stimulus initiatives,
 - 4–5, 217n3, 354n66
 - trade impacting (*See* Trade)
- Educational institutions, 171–172
- Electrical/electronics waste,
 - 862n25, 872–874
- Electric industry. *See*
 - Energy industry
- Electronic signatures, 241n73, 276–277n14
- E-mail, 247–248
- Employment and labor
 - collective bargaining
 - agreements, 413–414
 - direct sales staff regulations, 170
 - disclosure requirements, 415
 - dispute resolution, 409n9, 432–437, 444
 - employment agencies, 172
 - employment licenses/
 - permits, 441–444
 - equal employment
 - opportunity, 416
 - by FIEs, 91
 - financial institution employee
 - standards, 462, 478–479, 503
 - foreigner employment, 441–444

- Employment and labor, *continued*
- health and safety standards,
 - 421, 423–425, 883–884
 - hire of work contracts, 304–306
 - hukou* system, 406n3
 - identity cards, 406n3, 409n9
 - income tax issues, 390–394
 - insurance sector employees,
 - 540n12
 - intellectual property rights
 - of employees, 312, 656, 662, 675–676
 - labor contracts, 408–414, 443–444
 - labor mobility, 406n3
 - laws and regulations on,
 - 403–447 (*See Laws and regulations, labor and employment for detail*)
 - maternity leave/pregnancy-related issues, 419–422
 - medical care/disability
 - benefits, 417n36, 420
 - merger and acquisition
 - employment issues, 439–441
 - non-competition agreements, 411
 - penalties for law violations,
 - 412n21, 414–415n26, 425, 431–432, 444
 - pharmaceutical sector
 - employees, 613n196
 - probation periods, 409–410n11
 - protection of women/
 - minors, 418–422, 425
 - recruitment, 414–415, 438
 - reduction in workforce, 426–428
 - representative office employment,
 - 437–439, 442
 - retirement/pension
 - benefits, 417n34
 - severance pay, 411–412, 427
 - sexual harassment, 422
 - social insurance and welfare,
 - 416–418, 420, 549
 - staff placement firms, 412
 - termination, 412n20,
 - 420–421, 425–429, 443–444
 - trade unions and, 403–404,
 - 413–414, 431
 - unemployment benefits,
 - 417n37, 428
 - vocational training, 415
 - wage and hour regulation,
 - 429–431, 439
 - withholding taxes, 395
 - worker rights and
 - obligations, 406–408
 - work visas, 443
 - Energy industry
 - automobile industry and,
 - 204–205, 857
 - coal industry, 879
 - electricity, water, gas, and
 - heat power supply and usage contracts, 299
 - energy conservation,
 - 860–861n19, 881–883
 - energy/power generation
 - industry, 208
 - foreign investment regulations
 - in, 208, 210
 - offshore oil operations,
 - 877–878
 - petroleum exploration,
 - 210, 388n89
 - petroleum/mineral resources,
 - 849–850, 852–853
 - petroleum station
 - franchises, 182n77

- renewable energy resources, 857, 860–861n19
- tax issues, 388–389nn89–90
- Engineering sector. *See* Construction and engineering sector
- Enterprise group finance companies, 495–496
- Enterprises. *See* Consumer finance enterprises; Domestic enterprises; Foreign-invested enterprises (FIEs); Multinational enterprises; State-owned enterprises (SOEs)
- Entertainment industry
 - consumer protection advertising regulation in, 581n63
 - copyright piracy, 627–628n1, 628n3, 665–666
 - customs regulations on, 174–176, 713n64
 - foreign investment regulations in, 172–179
 - market access to, 12
 - tax issues, 369n9, 370
- Environmental protection
 - air quality, 856–857, 860n17, 878–880
 - automobile industry and, 204–205, 857, 880
 - clean production law, 887–888
 - construction-related, 859–860n14, 864, 870, 875, 879, 882, 885–887
 - electrical/electronics waste, 862n25, 872–874
 - energy conservation, 860–861n19, 881–883
 - foreign investor environmental planning/strategies, 888–890
 - general principles of law, 862–866
 - hazardous waste disposal, 867–868n58, 868–869, 872–874
 - history of, 855–862
 - industry/manufacturing-related, 870–871, 879–880, 882, 887–888
 - laws and regulations on, 855–894 (*See Laws and regulations, environmental protection for detail*)
 - marine pollution control, 859–860nn13–16, 875–880
 - penalties/remedies for violation of laws/regulations, 858, 864–866, 869, 871, 876, 880, 884, 886, 1049
 - pollution importation standards, 881
 - radioactive waste, 861n21, 863
 - recycling, 861–862, 867, 873–874
 - renewable energy resources, 857, 860–861n19
 - reporting requirements, 861n24, 880, 884–887
 - responsibility system, 862–863
 - solid waste pollution control, 866–874
 - summary of key laws, 890–894
 - water quality, 857, 859–860nn13–16, 859n12, 875–880
 - wildlife protection, 861n23
 - workplace toxics control, 883–884
- Equal employment opportunity, 416
- Equity
 - equity joint venture trading company, 105–108

- Equity, *continued*
 equity participation in Chinese
 financial institutions, 480
 foreign-invested equity
 investments, 133–137
- Escrow, 285–286
- European Union/China trade
 agreement, 7–8
- Evidence. *See* Discovery/
 evidentiary rules
- Expert witnesses, 985–986,
 1024–1025, 1027
- Export and Import Bank of
 China (Eximbank), 450
- Exports
 bonded warehouses/factories/
 zones handling, 717–719
 from China, 3–4
 declaration/examination
 of, 697–698
 duties and taxes on, 17, 375,
 375–376n41, 698–708
 export processing zones,
 1068–1069
 export procurement
 centers, 201–202
 food, 604–605
 licensing of, 712n61, 714n65
 pharmaceutical, 614n200
 processing trade regulations,
 716–717
 trading rights on, 10–11
 transportation of, 696–697
 U.S. to China, 2–3
 valuation of, 698–708
See also Customs; Trade
- Express mail/package delivery
 companies, 179–181
- Extraterritorial privileges, 41–50
- Face, losing/saving, 37n5
- Fair use, 657–658
- Feasibility studies, 143–144
- FIEs. *See* Foreign-invested
 enterprises (FIEs)
- Films. *See* Entertainment industry
- Financial leasing, 303–304,
 388n86, 496–499
- Financial regulation. *See* Laws
 and regulations, financial
- Financial services. *See* Banking
 and financial institutions
- Food/agriculture industry
 consumer protection regulations
 on, 583, 592–609, 624
 environmental regulations
 on, 864
 food additive regulation,
 593–594, 602–603
 food inspections, 604
 food production/food services
 industry, 593n125,
 597–603, 607–609
- Food Safety Law, 592–609
- food safety standards,
 development of, 596–597
- foreign investment
 regulations in, 208
- genetically-modified
 food, 594n126
- imports/exports, 604–
 605, 713n63
- labeling, 583n76, 594,
 601–602, 605
- licensing of, 599–600, 609
- management of food safety
 incidents, 605–606
- organic food standards,
 583n76, 593n125

- penalties for violation of
 - laws/regulations, 594, 602, 606–609
 - risk monitoring and assessment, 593, 595–596
 - Food Industries' Planning & Servicing Ltd. v. China Hua Yang Technology and Trade Corporation*, 1000
 - Foreign banks
 - establishment/registration of, 468–473
 - foreign-invested enterprise financial institutions, 467–480
 - liquidation of, 479
 - management personnel of, 478–479
 - operational scope of, 474–475
 - reserve requirements, 476–477
 - WTO agreements on, 10
 - Foreign capital shares listed in China regulations, 758, 796–800
 - Foreign direct investment (FDI), 1–2, 26–30
 - Foreign Economic Contract Law, 274
 - Foreign Enterprise Service Corporation (FESCO), 83, 438–439
 - Foreigners
 - civil procedures involving, 71, 71n73
 - domestic enterprise acquisition by, 441, 896–902
 - employment of, 441–444
 - environmental due diligence by, 888–890
 - extraterritorial privileges of, 41–50
 - intellectual property rights of, 636, 650, 655, 660, 672, 674
 - litigation rights of, 1010
 - strategic investment in listed companies, 910–912
 - Foreign exchange
 - domestic enterprises and, 490–491
 - FIE regulations on, 91, 91n42, 108
 - financial institution operations, 492
 - Foreign Exchange Registration Certificate, 482–484, 485–487
 - individuals holding, 491–492
 - insurance transactions, 547
 - non-trade transactions for multinationals, 492–493
 - opening foreign exchange account, 483–485
 - penalties for illegal transactions, 493–495
 - regulation of, 481–495
 - Renminbi valuation, 23–24
 - swap centers, 486–487, 487n177
 - tax issues, 370n14, 378
 - transaction control, 485–487
- Foreign-invested enterprises (FIEs)
 - accounting system for, 515–523
 - annual inspection of, 525–527
 - articles of association, 87–88n21, 105, 142–143
 - assignment/transfer of investor interests, 144–146
 - audits of, 477, 523–525

- Foreign-invested enterprises
(FIEs), *continued*
- BOT (build, operate, transfer), 129–130
 - branch offices/subsidiary companies, 117–118, 122, 467, 469–470, 471, 475
 - business climate for, 26–30
 - capital requirements, 18, 83, 106, 107n82, 108, 127, 134, 146, 164–165, 172, 185–186, 195
 - certification organizations as, 573
 - chops/seals, 141
 - Company Law impacting, 133–135
 - company limited by shares, 135–136, 152, 800–803
 - contractual issues, 102–105, 111–112, 129
 - criminal liability of (*See Crimes/ criminal liability*)
 - domestic enterprise/SOE investments, 136–137, 440–441, 808–810, 896–902
 - enterprise group finance companies, 495–496
 - enterprise income tax, 379–387
 - equity investments, 133–137
 - equity joint venture trading company, 105–108
 - establishment procedures, 137–144, 152–154, 801–803
 - feasibility study, 143–144
 - FIE Commercial Sector Regulations, 11, 183, 184–186
 - financial institutions as, 467–480
 - foreign exchange issues for (*See Foreign exchange*)
 - foreign-invested venture capital investment enterprises, 123–129, 151–152, 389–390n93
 - headquarter operations rules, 147–149, 155
 - HNTE (high- and new-technology enterprises), 4–5n7, 254n115, 383n76, 384, 384–385n79
 - holding companies, 118–123, 151, 485–486
 - import control standards, 714–716
 - industrial/manufacturing sector regulations, 203–213
 - information technology/ telecommunications sector regulations, 215–272 (*See Laws and regulations, information technology, telecommunications and software for detail*)
 - insurance companies as, 558–565
 - investment contributions, 88–90, 96–100, 106, 108, 112–113, 119–120, 125–126, 127, 131, 134–135, 137, 139n222, 146–147, 160, 164, 232–233
 - joint venture enterprises (*See Joint venture enterprises*)
 - labor and employment laws for, 403–447 (*See laws and regulations, labor and employment for detail*)
 - land-use rights, 101–102, 186
 - leases with, 83, 102
 - licensing of, 82–84, 87–88, 108, 111–112, 111n101, 117, 119–120, 126–127, 129, 132, 136, 138–141, 526, 559–562

- limited liability companies, 85, 92–93, 106, 118, 124, 133, 134–135, 134n203, 152, 199
- liquidation of (*See* Liquidation)
- maintenance and technical service operations, 116–117
- management structure, 94–96, 113–115, 125, 127–128, 131–132, 134n203
- merger/division of, 440, 902–909
- operational issues, 90–91
- operations with Chinese partners, 92–115, 136–137, 150–151, 393–394
- operations without partners, 81–91, 149–150
- partnership enterprises, 109–115, 151, 393–394
- processing trade contracts, 115–116
- profits of, 82, 93–94, 113, 129, 518n324
- representative offices (*See* Representative offices)
- research and development centers, 130–132, 152
- securities companies/fund management companies/ securities investment funds as, 815–817
- securities regulations on, 800–803, 808–810, 815–817
- service sector regulations, 159–203 (*See Laws and regulations, service sector for detail*)
- special function operations, 115–132
- special zone investment incentives for (*See* Special zones)
- summary of key laws/ regulations on, 149–155
- taxation of, 84, 84n8, 91, 109–110, 122–123, 122–123n159, 129, 132, 141–142, 253n109, 367–402
- technology transfer, 100–101
- unauthorized fees against, 397–398
- wholly foreign-owned enterprises (*See* Wholly foreign-owned enterprises (WFOE))
- Foreign investment guidelines, 157–159
- Foreign trade agency contracts, 320–321
- France, 44–45
- Franchise operations, 181–183
- Free-trade zones, 11, 1069
- Freight transport services. *See* Transportation services
- Futures trading, 758, 761n17
- Gang of Four, 53, 53n51
- General Administration of Civil Aviation of China (CAAC), 206–207
- General Administration of Customs, 695–696
- General Administration of Press and Publications (GAPP), 211–212, 243–244
- General Agreement on Tariffs and Trade (GATT), 6, 8
- General Agreement on Trade in Services (GATS), 8, 9
- Germany, 48n37

- GM/Delphi* acquisition
 decision, 929n112
- Government. *See* Government
 procurement; *Laws
 and regulations entries*;
 Legislative institutions;
Ministry entries; *National
 entries*; *State entries*; Taxes
- Government procurement
 appeals, inquiries and
 complaints, 361
 history/scope of, 354–357
 indigenous products accreditation
 program, 4–5n7
 laws and regulations on,
 354–362, 365
 legal liability and penalties,
 361–362
 procurement centers/agencies,
 201–202, 356–357
 procurement procedures, 358–360
 supplier contracts, 360–361
 tender laws, 337–354 (*See
 Laws and regulations,
 tender for detail*)
 volume of, 354n66
- Great Britain, 44–45, 47,
 47n34, 1076–1077
- Great Leap Forward Movement, 52
- Green Dam program, 236n63
- Guangdong International Trust
 and Investment Corporation*
 bankruptcy decision, 945n34
- Guangxu, 47
- Guarantees, 323–326, 347n38,
 459–460, 548
- Han Dynasty, 37
- Hazardous waste, 867–868n58,
 868–869, 872–874
- Health and safety standards,
 421, 423–425, 883–884
- Health care sector
 advertising regulations, 582–583
 health care/disability benefits for
 employees, 417n36, 420
 hospital/clinic foreign investment
 regulations, 194
 market access to, 11–12
 medical device/instrument
 standards, 582–583, 619–620
 medical service tax issues, 371n19
See also Pharmaceutical sector
- HNTE (high- and new-technology
 enterprises), 4–5n7, 254n115,
 383n76, 384, 384–385n79
See also New and high technology
 development zones
- Holding companies, 118–123,
 151, 485–486
- Hong Kong, China
 arbitration awards in, 995n142
 economic rights/access,
 1080–1081, 1086–1089
 FIE ventures on Mainland,
 108, 194
- Hong Kong Special
 Administrative Region
 (HKSAR), 1076–1089
- Joint Declaration on, 1077–1078
- judicial system of, 1083–1086
- market access to China,
 1086–1089
- National Security Bill in, 1080n27
- political rights/structure,
 1079–1080, 1081–1082
- stock exchange, 762
- telecommunication service
 through, 226n32, 231n43
- Hospitals and clinics, 194

- Housing funds, 416n33
- H-shares, 762
- Huaxing Development Company v. Xianmen Dongfen Rubber Factory, et al.*, 998n155
- Hu Jintao, 25–26, 26n59
- Hukou* system, 406n3
- Hundred Flowers Movement, 52
- Identity cards, 406n3, 409n9
- Imports
- anti-dumping regulations, 736–742
 - anti-subsidy regulations, 742–744
 - audiovisual products, 176, 713n64
 - automotive industry, 205–206
 - to China, 2–4
 - declaration/examination of, 697–698
 - duties on, 698–708
 - environmental regulations on, 881
 - excluded/restricted goods, 712–714
 - FIE import control standards, 714–716
 - food, 604–605, 713n63
 - foreign films, 174–175
 - Hong Kong, 1086–1089
 - intellectual property rights on, 685
 - licensing of, 317–319, 712n61, 714–715
 - pharmaceutical, 614–615
 - processing trade regulations, 716–717
 - rules of origin, 711–712, 1086–1087
 - software, 259
 - tariffs on (*See* Tariffs)
 - taxes on, 17, 253, 374–375, 379, 694, 698–708, 709–711
 - technology imports, 274, 316–319
 - trade safeguard regulations, 744–746
 - transportation of, 696–697
 - valuation of, 14n34, 698–708
 - See also* Customs; Trade
- InBev/Anheuser-Busch* merger decision, 928n112
- Income taxes, 379–387, 390–394, 402
- Industrial and Commercial Bank of China (ICBC), 450
- Industrial and manufacturing sectors
- criminal liability for industrial accidents, 1039–1040
 - environmental regulations on, 870–871, 879–880, 882, 887–888
 - foreign investment regulation of, 203–213
 - intellectual property royalty payments, 314n207
 - manufacturing contracts, 310
 - software manufacturing, 260
 - tax issues, 387–390
 - See also specific sectors for detail*
- Information Network Regulations, 667–669
- Information technology
- domain name registration, 248–250, 271–272
 - foreign investment regulations in, 194, 232–266 (*See Laws and regulations, information technology, telecommunications and software for detail*)

- Information technology, *continued*
 information security products,
 263–266, 269
 intranet regulation, 235–236
See also Internet; Software
- Insider trading, 791–793,
 807–808, 1040–1041
- Inspections
 customs, 696, 697–698,
 713, 714n67, 716, 717,
 718n78, 731–732
 environmental protection,
 858, 864–866, 871, 880
 financial regulations on, 525–527
 food regulations on, 604
 insurance regulations on, 551
- Insurance sector
 accumulation fund, 549
 administration of insurance
 funds, 547–549
 branch offices, 544–545
 capital requirements, 540,
 541–542, 545, 550–551,
 555–556, 559–560
 claims procedures, 556–558
 conditions for operation, 539–545
 employee medical care
 policies, 417n36, 420
 establishment/licensing of,
 542–544, 555–556,
 559–562, 566
 foreign-invested insurance
 companies, 558–565
 foreign investment
 regulations in, 195
 guarantee funds, 548
 insurance agents and
 brokers, 554–556
 insurance asset management
 companies, 565–566
 insurance contracts, 322, 552–554
 laws and regulation on, 537–568
(See Laws and regulations,
insurance for detail)
 market access to, 12, 1088
 penalties for violation of laws and
 regulations, 551, 564–565
 premium rates, 554
 property insurance, 545–546,
 553–554, 845
 public welfare fund, 549
 recordkeeping/reporting/
 inspections, 551
 reinsurance requirements,
 549–551
 reserve funds, 548–549, 562
 scope of operations, 545–547,
 562–563
 solvency requirements, 541–542
 tax issues, 369n8,
 370n14, 388n88
 termination of operation,
 544, 563
- Integrated circuits industry, 266, 674
- Intellectual property rights
 Agreement on Trade-Related
 Aspects of Intellectual
 Property Rights (TRIPS),
 8, 627n1, 687–688n267
 applications for rights, 630–631,
 636–641, 672, 676–680
 assignment of, 640–641,
 658–659, 681
 automobile industry's, 205
 book publishers', 664–665
 cancellation/revocation of,
 646–647, 682–683
 contracts on, 310, 313–315
 criminal penalties for
 infringement, 649, 663,

- 671–672, 687, 688,
1046–1048
- customs protection of, 687–688,
691, 728, 733–735
- domain names and,
248n100, 249n102
- duration of, 640, 641, 642,
656, 659, 664, 672, 682
- of employees, 312, 656,
662, 675–676
- enforcement of, 643–646,
683–685
- fair use and, 657–658
- of foreigners, 636, 650,
655, 660, 672, 674
- franchisee use of, 183n79
- history of law, 629–631,
649–650, 672–676
- indigenous products accreditation
program, 4–5n7
- infringement standards, 657
- joint rights, 655–656, 661, 675
- laws and regulations on,
627–691 (*See Laws and
regulations, intellectual
property for detail*)
- licensing of, 641–642, 658–659,
662–663, 681–682
- manufacturing sector royalty
payments, 314n207
- novelty requirements/
exceptions, 680
- penalties/remedies for violation of
laws/regulations, 628–629,
644–646, 647–649,
663n153, 666–672,
683–688, 1046–1048
- pledge of, 333
- principles of law, 631–636,
650–657
- renewal of, 640
- software, 260, 266, 628n3,
653n108, 659–664
- technology, 313–315
- unfair competition claims based
on, 319–320, 586n90, 587
- See also* Copyrights; Patents;
Trademarks
- Interest, 300, 392n105
- Interested party transactions,
1045–1046
- Internal controls. *See*
Recordkeeping/reporting
- International foundations, 163–164
- International Monetary Fund,
449n1
- Internet
 - cafes, 182n77, 246–247
 - domain name registration,
248–250, 271–272
 - e-commerce, 240–241n73,
270–271
 - e-mail/anti-spam standards,
247–248
 - franchise regulations on Internet
business, 182n77
 - Green Dam program, 236n63
 - information services, 236–242
 - intellectual property rights of
works on, 667–669, 670–671
 - litigation related to, 216–217n2
 - number of users, 215
 - online banking via, 462–464
 - publishing, 243–245
 - regulations on operations,
236–248, 270–271
 - telephone service via,
216n2, 223n22
 - wireless service, 262–263
- Internet Society of China (ISC), 248

- Japan, 44
- Jiang Qing, 53n51
- Jiangxi Provincial Metal and Minerals Import and Export Corp. v. Sulanser Company Ltd.*, 973–974
- Jiang Zemin, 26n59, 1085
- Joint stock companies, 540
See also Company limited by shares
- Joint venture enterprises
 advertising agencies, 162
 asset appraisal enterprises, 162
 automotive industry, 205
 construction companies, 166
 contracts for, 102–105, 292nn88–89
 convention and exhibition companies, 168
 dispute resolution, 292nn88–89
 employment agencies, 172
 entertainment-related companies, 175–176
 equity joint venture trading company, 105–108
 financial institutions, 467, 470–471
 hospitals/clinics, 194
 insurance companies, 559
 intellectual property rights of, 642
 investment contributions, 96–100
 land-use rights, 101–102
 leasing companies, 199–200
 management structure, 94–96
 procurement centers, 201
 profits of, 93–94
 recordkeeping requirements, 517
 SOEs in, 136–137
 technology transfer, 100–101
 telecommunication industry, 216n2, 218n8, 232
 transportation services, 188, 190, 192–193
- Journalists. *See* Media
- Judges
 education of, 76–77, 76–77n97
 female, 77n97
 Hong Kong selection of, 1084
 trial role of, 1028–1029
- Judicial decision (*jueding*), defined, 66
- Judicial system
 administrative litigation, 1032–1034
 appeals, 1009, 1029–1031
 class action rules, 1017n30, 1020
 court structure, 1007–1031
 discovery/evidentiary rules, 1020–1028
 enforcement of judgments, 1031–1032
 extraterritorial privileges, 41–50
 Hong Kong, 1083–1086
 judicial precedent, 1007–1008
 jurisdictional issues (*See* Choice of forum; Choice of law)
 legal profession role in, 72–77
 levels of courts, 70, 1008–1009
 limitations period, 1018–1019
 participants in civil proceedings, 1016–1017
 people's procuratorates, 71–72
 pleading rules, 1019–1020
 Rule of Law, 40, 77–79
 service of process, 1017–1018
 summary of keys laws on, 1035
 Supreme People's Court (*See* Supreme People's Court)

- trial procedure and supervision, 1028–1031
- See also* Civil justice system; Courts; Criminal justice system; Litigation
- Labeling
 - drugs, 615
 - environmental regulations
 - on, 857, 872–873, 874
 - food, 583n76, 594, 601–602, 605
- Labor. *See* Employment and labor
- Land-use rights
 - construction land use
 - rights, 832, 852
 - of FIEs, 101–102, 186
 - tax issues, 373
 - transfer of, 835–846, 851–852
 - usufructuary rights, 827
 - utilization and protection of land, 832–846, 851–852
 - See also* Laws and regulations, property rights, land use, and natural resources; Property rights
- Lao Zi, 38
- Law (*fa*), defined, 36, 65–66
- Law firms
 - foreign-owned, 13, 75–76
 - partnership laws, 73n83
 - regulations on foreign, 196–198
- Laws and regulations, bankruptcy and liquidation, 935–962
 - alternatives to liquidation, 943–944
 - automatic stays, 950–951
 - bankruptcy estate
 - administrator, 949–952
 - bankruptcy estate (property/assets), 953
 - bankruptcy expenses, 954
 - bankruptcy liquidation, 942, 959–960
 - bankruptcy petition and case acceptance, 947–949
 - bankruptcy restructuring and reorganization, 957–958
 - claims procedures, 941, 954–955
 - creditors' meetings/
 - committees, 955–957
 - Enterprise Bankruptcy Law, 945–961
 - FIE Liquidation Procedures, 936–944
 - financial regulations on liquidation, 479, 486, 499, 509, 510, 512, 518n327, 522–523
 - initiation of liquidation, 936–938
 - insurance regulations on bankruptcy, 542, 544n36, 563
 - involuntary liquidation, 936n1, 938, 940
 - legal liability, 960–961
 - liquidation committee, 936n1, 938–940, 951
 - liquidation proceedings, 938–943
 - notice of liquidation, 940, 959–960
 - payment of debts, 941–943, 957–960
 - reasons for liquidation, 935–936
 - settlement and compromise, 958–959
 - summary of key laws, 961–962
- Laws and regulations, consumer protection, 569–626
 - advertising standards, 580–586, 617–618

- Laws and regulations, consumer protection, *continued*
- certifications under, 571–573
 - food processing standards, 583, 592–609, 624
 - liability issues, 574–575
 - medical device/instrument standards, 582–583, 619–620
 - penalties/remedies for violation of, 572–573, 575, 576–577, 579–580, 585–586, 588–589, 594, 602, 606–609, 611n191, 612–613nn194–195, 619
 - pharmaceutical standards, 582–583, 609–619, 624–626
 - pricing standards, 589–592, 616–617, 623–624
 - product quality, 569–577
 - standards of, 577–579
 - summary of key, 622–626
 - tort law, 620–621
 - unfair competition regulations, 586–589
- Laws and regulations, contracts, 273–335
- agency contracts, 308–309, 320–321
 - choice of law, 277n16, 291–292, 311–312
 - construction project contracts, 306–308
 - contract amendment and assignment, 287
 - contract formation, 276–282
 - contract termination, 284, 287–288, 290n84
 - deposits, 334–335
 - electricity, water, gas, and heat power supply and usage contracts, 299
 - finance lease contracts, 303–304
 - foreign trade agency contracts, 320–321
 - guarantees, 323–326
 - hire of work contracts, 304–306
 - insurance contracts, 322, 552–554
 - lease contracts, 301–303
 - lien contracts, 334
 - loan contracts, 299–300
 - manufacturing contracts, 310
 - mortgage contracts, 327–331
 - myths and reality, 281
 - performance of contracts, 282–283, 284–287
 - pledge contracts, 331–333
 - purchase and sales of goods contracts, 295–299
 - recordkeeping/reporting/audits, 461–462, 477
 - remedies for breach, 289–291
 - secured interest contracts, 322–335
 - specialized contracts, 294–322
 - statute of limitations, 293
 - summary of key laws, 273–275nn1–7, 335
 - supplier contracts, 360–361
 - technology contracts, 309–320
 - trust contracts, 504–505, 514
 - validity of contracts, 282–284
- Laws and regulations, customs and trade, 693–753
- anti-dumping regulations, 736–742
 - anti-subsidy regulations, 742–744
 - bonded warehouses/factories/zones regulation, 717–719, 751–753
 - compliance strategies, 735–736

- customs regulatory
 - system, 695–696
- declaration/examination of
 - imports/exports, 697–698
- duties and taxes under, 379, 397, 694, 698–708
- enforcement of, 694, 720–732
- excluded/restricted
 - goods, 712–714
- FIE import control
 - standards, 714–716
- history of, 693–695
- import/export procedures, 696–720
- intellectual property rights
 - protection, 687–688, 691, 728, 733–735
- licensing issues, 712n61, 714–715, 714n65
- passengers and personal use
 - article regulations, 719–720
- penalties/remedies for
 - violation of, 720–732
- processing trade regulations, 716–717, 751–752
- rules of origin, 711–712, 1086–1087
- summary of key laws, 746–753
- tariffs under, 693–694, 698, 709–711
- trade remedies, 736–746, 753
- trade safeguard regulations, 744–746
- transportation issues, 696–697, 720–727, 729
- valuation of imports/
 - exports, 698–708
- Laws and regulations,
 - environmental
 - protection, 855–894
 - air pollution, 856–857, 860n17, 878–880
 - clean production law, 887–888
 - construction-related,
 - 859–860n14, 864, 870, 875, 879, 882, 885–887
 - electrical/electronics waste,
 - 862n25, 872–874
 - energy conservation,
 - 860–861n19, 881–883
 - foreign investor environmental
 - planning/strategies, 888–890
 - general principles of, 862–866
 - hazardous waste disposal,
 - 867–868n58, 868–869, 872–874
 - history of, 855–862
 - industry/manufacturing-related,
 - 870–871, 879–880, 882, 887–888
 - marine pollution control,
 - 859–860nn13–16, 875–880
 - penalties/remedies for violation
 - of laws/regulations, 858, 864–866, 869, 871, 876, 880, 884, 886, 1049
 - pollution importation
 - standards, 881
 - radioactive waste, 861n21, 863
 - recycling, 861–862, 867, 873–874
 - reporting requirements,
 - 861n24, 880, 884–887
 - solid waste pollution
 - control, 866–874
 - summary of key laws, 890–894
 - water pollution, 857, 859–860nn13–16, 859n12, 875–880
 - workplace toxics control,
 - 883–884

- Laws and regulations,
 financial, 449–535
 annual inspection
 requirements, 525–527
 automotive finance
 company regulations,
 498n221, 500–501
 banking regulation, 449–
 480, 527–535
 capital requirements, 458,
 469, 475, 480, 496, 497,
 499, 500–501, 512–513
 Commercial Bank Law, 453–467
 consumer finance enterprise
 regulation, 501–503
 development of banks, 449–451
 enterprise group finance company
 regulation, 495–496
 establishment/approval
 procedures, 456–458, 468–
 473, 482–483, 504–506, 512
 FIE financial institution
 regulations, 467–480
 financial leasing company
 regulations, 496–499
 foreign exchange regulation,
 481–495
 foreign investment in domestic
 companies, 480
 liquidation requirements, 479,
 486, 499, 509, 510, 512,
 518n327, 522–523
 money laundering
 prevention, 464–467
 operational standards/scope of
 operations, 458–467, 474–
 475, 498, 502n237, 513
 penalties for violation of,
 464, 466–467, 479–480,
 486n176, 493–495, 520n331
 project financing, 487–490
 recordkeeping/reporting/audit
 requirements, 461–462, 477,
 485, 499, 503, 515–525, 535
 reserve requirements, 460n48,
 476–477, 514–515
 summary of key laws, 527–535
 trade finance, 495
 trust regulations, 504–515, 535
- Laws and regulations, government
 procurement, 354–362, 365
 appeals, inquiries and
 complaints, 361
 history/scope of government
 procurement, 354–357
 legal liability and penalties,
 361–362
 procurement procedures,
 358–360
 supplier contracts, 360–361
- Laws and regulations,
 historical influences
 and development of
 Confucianism, 36–38, 39, 40, 51
 Daoism, 38–39, 40
 external influences, 41–54
 extraterritorial privileges, 41–50
 foreign investment
 influence, 53–54
 Legalism, 39–40, 51–52
 legislative procedures, 57–65
 local *vs.* national conflicts
 over, 65n56
 Mao Zedong Thought/Marixism-
 Leninism, 51–53
 stages since 1949, 55–56
- Laws and regulations, industrial
 and manufacturing
 sector, 203–213
 automotive industry, 203–206

- aviation/airport infrastructure
 - industry, 206–207
- chemical/petrochemical
 - processing industry, 207
- energy/power generation
 - industry, 208
- food/agriculture industry, 208
- mineral resources industry, 209
- petroleum exploration
 - industry, 210
- port administration/infrastructure
 - industry, 210–211
- publishing industry, 211–213
- Laws and regulations,
 - information technology,
telecommunications and
software, 215–272
 - data privacy/protection,
242n76, 247, 250–252
 - domain name registration,
248–250, 271–272
 - fees, 222–223, 225
 - FIE regulations, 232–235
 - information security products,
263–266, 269
 - information technology
 - regulations, 232–266
 - integrated circuits industry, 266
 - Internet, 236–248, 262–
263, 270–271
 - internetwork connections,
221–222
 - intranet, 235–236
 - key software enterprise
 - standards, 255–258
 - network construction, 225–227
 - penalties, 230–231, 235, 242,
244
 - permit procedures, 219–221,
227–228, 234–235,
237n64, 238–240, 259,
260–261, 262, 263–264
 - security standards, 228–230,
241–242, 241n74, 242n76,
247, 250–252, 261–266
 - service operator/user
 - standards, 224–225
 - software, 252–266, 269, 272
 - software enterprise
 - encouragement
policies, 252–255
 - software product standards,
258–266
 - summary of key laws, 267–272
 - telecommunication, 218–252
 - regulations
 - terminal equipment
 - permits, 227–228
- Laws and regulations,
 - insurance, 537–568
 - administration of insurance
funds, 547–549
 - capital requirements, 540,
541–542, 545, 550–551,
555–556, 559–560
 - claims procedures, 556–558
 - conditions for operation, 539–545
 - establishment/approval
 - procedures, 542–544,
555–556, 559–562, 566
 - foreign-invested insurance
companies, 558–565
 - history of, 537–539
 - insurance agents and
brokers, 554–556
 - insurance asset management
companies, 565–566
 - insurance contracts, 552–554
 - penalties for violation of,
551, 564–565

- Laws and regulations, *continued*
- premium rates, 554
 - recordkeeping/reporting/
 - inspections, 551
 - reinsurance requirements,
 - 549–551
 - scope of operations, 545–547,
 - 562–563
 - solvency requirements, 541–542
 - summary of key laws, 567–568
- Laws and regulations, intellectual property, 627–691
- applications for rights under,
 - 630–631, 636–641,
 - 672, 676–680
 - assignment of rights, 640–641,
 - 658–659, 681
 - cancellation/revocation of
 - rights, 646–647, 682–683
 - copyright law, 649–672,
 - 689–690
 - criminal penalties for
 - infringement, 649, 663,
 - 671–672, 687, 688,
 - 1046–1048
 - customs protection of intellectual
 - property rights, 687–688,
 - 691, 728, 733–735
 - duration of rights, 640, 641, 642,
 - 656, 659, 664, 672, 682
 - enforcement of rights,
 - 643–646, 683–685
 - fair use and, 657–658
 - history of, 627–631, 649–650,
 - 672–676
 - industry-specific regulations,
 - 659–666
 - infringement standards, 657
 - joint rights under, 655–656,
 - 661, 675
 - licensing issues, 641–642,
 - 658–659, 662–663, 681–682
 - novelty requirements/
 - exceptions, 680
 - patent law, 672–687, 690–691
 - penalties/remedies for violation
 - of, 628–629, 644–646,
 - 647–649, 663n153,
 - 666–672, 683–688,
 - 1046–1048
 - principles of, 631–636, 650–657
 - renewal of rights, 640
 - summary of key, 688–691
 - trademark law, 629–
 - 649, 688–689
- Laws and regulations, labor and employment, 403–447
- dispute resolution, 409n9,
 - 432–437, 444
 - equal employment
 - opportunity, 416
 - foreigner employment, 441–444
 - health and safety standards,
 - 421, 423–425
 - hukou* system, 406n3
 - labor contracts, 408–
 - 414, 443–444
 - labor mobility, 406n3
 - merger and acquisition
 - employment issues, 439–441
 - penalties for violation of,
 - 412n21, 414–415n26,
 - 425, 431–432, 444
 - protection of women/
 - minors, 418–422, 425
 - recruitment, 414–415, 438
 - representative office employment,
 - 437–439, 442
 - social insurance and welfare,
 - 416–418, 420

- summary of key, 444–447
- termination, 412n20, 420–421, 425–429, 443–444
- vocational training, 415
- wage and hour regulation, 429–431, 439
- worker rights and obligations, 406–408
- Laws and regulations, language of
 - ambiguity of, 67
 - Chinese/foreign language, 471, 552
 - hierarchy of terminology, 65–66
- Laws and regulations,
 - mergers/acquisitions/divisions, 895–933
 - Anti-Monopoly Law and, 901–902, 917–930
 - domestic enterprise acquisition by foreign investors, 441, 896–902
 - employment regulations and, 439–441
 - of FIEs, 440, 902–909
 - foreign investor strategic investment in listed companies, 910–912
 - listed company acquisition, 781
 - public announcement of, 909, 913n61, 914
 - public company takeovers, 912–917
 - summary of key laws, 930–933
- Laws and regulations, penalties for violation of. *See* Penalties, for violation of laws and regulations
- Laws and regulations, property rights, land use, and natural resources, 825–853
 - adjoining/adjacent ownership, 830
 - common and joint ownership, 829–830
 - construction land use rights, 832, 852
 - cultural resource preservation, 850, 853
 - easement rights, 831
 - expropriation of property rights, 828–829
 - general principles, 825–828
 - immovable property mortgage, 841–846
 - land registration, 839–841
 - lost/mislaid/abandoned property, 830–831
 - penalties for violation of, 841
 - petroleum/mineral resources, 849–850, 852–853
 - pledge/lien/possession rights, 831–832
 - real estate development/transactions, 846–848
 - real estate transfer registration, 837–839
 - summary of key laws, 851–853
 - transfer of land use rights, 835–846, 851–852
 - utilization and protection of land, 832–846, 851–852
- Laws and regulations,
 - publication of, 66, 67
- Laws and regulations,
 - securities, 755–824
 - A-share investments, 762, 810–814
 - brokerage/trading firm regulation, 803–806
 - B-shares, 758, 762, 796–800

- Laws and regulations,
 securities, *continued*
 capital requirements, 763,
 779–780, 801, 806n205,
 811–812, 814, 816
 Company Law, 762–772
 criminal penalties for violation
 of, 820, 1040–1042
 dispute resolution,
 759n10, 817–819
 FIE securities companies/fund
 management companies/
 securities investment
 funds, 815–817
 FIEs limited by shares, 800–803
 foreign capital shares listed in
 China, 758, 796–800
 foreign investment in state
 share, 808–810
 futures trading, 758, 761n17
 history of, 755–756
 H-shares, 762
 insider trading, 791–793,
 807–808, 1040–1041
 overseas listing of domestic
 shares, 793–796
 own-account securities
 trading, 806–808
 penalties for violation of,
 790–793, 807–808,
 820, 1040–1042
 property rights and, 755
 public offerings, 764, 773–793
 qualified domestic institutional
 investors, 814
 qualified foreign institutional
 investors, 810–814
 regulatory system, 757–762
 stock exchanges, 757–758,
 761, 777–781
 summary of key laws, 820–824
- Laws and regulations, service
 sector, 159–203
 accountants and accounting,
 160–161
 advertising agencies, 162
 asset appraisal enterprises, 162
 chambers of commerce/
 international
 foundations, 163–164
 construction industry
 services, 164–167
 convention and exhibition
 companies, 168
 direct marketing operations,
 168–170
 educational institutions/
 certification organizations,
 171–172
 employment agencies, 172
 entertainment industry, 172–179
 express mail/package delivery
 companies, 179–181
 financial services, 181
 franchise, retail, wholesale,
 commission-based
 operations, 181–187
 hospitals and clinics, 194
 information technology/
 telecommunications/
 software, 194
 insurance services, 195
 lawyers/law firms, 196–198
 leasing companies, 199–201
 media, 177, 195–196
 outsourcing operations, 201
 procurement centers, 201–202
 transportation services, 187–194
 travel agencies/tour
 operators, 202–203

- Laws and regulations,
 summaries of key
 arbitration/mediation, 1005–1006
 bankruptcy and liquidation,
 961–962
 consumer protection, 622–626
 contract, 273–275nn1–7, 335
 criminal liability, 1063–1065
 customs and trade, 746–753
 environmental protection,
 890–894
 financial regulations, 527–535
 foreign-invested enterprises,
 149–155
 foreign investment
 regulations, 213
 information technology,
 telecommunications and
 software, 267–272
 insurance, 567–568
 labor and employment, 444–447
 litigation/judicial system, 1035
 mergers/acquisitions/
 divisions, 930–933
 property rights/land-use/natural
 resources, 851–853
 securities, 820–824
 special zones, 1089–1090
 taxation, 401–402
 tender/government
 procurement, 362–365
- Laws and regulations, tax, 367–402
 business tax, 369–372, 401–402
 consumption tax, 378–379, 401
 enterprise income tax,
 379–387, 402
 individual income tax, 390–394
 industry sector tax
 issues, 387–390
 other applicable taxes, 396–397
 penalties and administrative/
 judicial review, 398–400
 prohibition against unauthorized
 FIE fees, 397–398
 representative office tax issues,
 394–395, 398n127
 summary of key laws, 401–402
 tax reform, 367, 372–373,
 398–399n127
 turnover taxes, 368–
 379, 401–402
 value-added tax, 372–378, 401
- Laws and regulations, tender,
 337–354, 362–365
 evaluation of proposals/
 contract awards, 349–354
 history of, 337–339
 scope of, 339–343
 submission of tenders, 346–349
 tendering agents, 349
 tendering methods (private
 vs. public tenders),
 343–346, 358
- Law schools, 72
- Lawyers
 disciplinary actions
 against, 74–75
 education/examinations,
 72–73, 74, 74n88, 77
 fees of, 74n91
 judicial system role of, 72–76
 legal opinions by, 774–775n72
 number of, 52, 72n78
 regulations on foreign,
 196–198, 979–980
- Lawyer's Law, 73–75
- Leases
 with FIEs, 83, 102
 financial leasing, 303–304,
 388n86, 496–499

- Leases, *continued*
 lease contracts, 301–303,
 837, 845
 leasing companies, 199–201
 leasing service tax issues, 369, 371
- Legalism (*fajia*), 39–40, 51–52
- Legal opinions, 774–775n72
- Legislation Law, 67–68
- Legislative institutions
 legislative process, 67–69
 local people's congresses,
 65, 1073
 National People's Congress,
 53–59, 67–68, 70–72,
 73, 431n90, 1009
 President of PRC, 59
 State Council, 5, 28, 59–64, 68,
 82, 758–759, 796–797 (*See*
also specific Ministries)
- Letters of credit, 495
- Li, Andrew, 1084–1085
- Licenses, business
 annual inspection
 requirements, 526
 company limited by shares, 765
 FIE requirements, 82–84, 87–88,
 108, 111–112, 111n101, 117,
 119–120, 126–127, 129, 132,
 136, 138–141, 526, 559–562
 financial institution requirements,
 456–458, 468–473,
 492, 497–498, 512
 food industry, 599–600, 609
 insurance sector, 542–544,
 555–556, 559–562, 566
 Internet businesses, 237n64,
 238–240, 246
 pharmaceutical sector,
 610–611, 613
 real estate sector, 848
 service industry, 15n36
 solid waste services, 867–868
 telecommunications services,
 219–221, 227–228, 234–235,
 237n64, 238–240, 246
- Licenses, employment, 441–443
- Licenses, export/import, 317–319,
 712n61, 714–715, 714n65
- Licenses, intellectual property,
 641–642, 658–659,
 662–663, 681–682
- Licenses, technology, 100–101
- Lien contracts, 334
- Limitation of Armament (LOA)
 Conference, 49
- Limited liability companies
 FIEs as, 85, 92–93, 106, 118,
 124, 133, 134–135,
 134n203, 152, 199
 insurance companies as, 540
 merger/acquisition of, 905
 pledge of shares of, 333
 trust company as, 512
- Liquidation
 alternatives to, 943–944
 bankruptcy and, 942, 959–960
 creditors' claims, 941
 FIE Liquidation Procedures,
 936–944
 financial regulations on, 479,
 486, 499, 509, 510, 512,
 518n327, 522–523
 initiation of, 936–938
 insurance regulations on, 563
 involuntary, 936n1, 938, 940
 liquidation committee,
 936n1, 938–940, 951
 liquidation proceedings, 938–943
 notice of liquidation,
 940, 959–960

- payment of debts, 941–943
- reasons for, 935–936
- summary of key laws, 961–962
- Litigation
 - administrative litigation, 1032–1034
 - appeals, 1009, 1029–1031
 - choice of forum, 1011–1016
 - class action, 1017n30, 1020
 - consumer protection, 577
 - court structure for, 1007–1031
 - discovery/evidentiary rules, 1020–1028
 - enforcement of judgments, 1031–1032
 - environmental, 858, 866
 - intellectual property rights, 647–649, 669–671, 683–687
 - Internet-related, 216–217n2
 - judicial precedent, 1007–1008
 - labor-related, 436–437
 - limitations period, 1018–1019
 - mediation during, 967
 - monopoly-related, 922, 928–929n112
 - participants in civil proceedings, 1016–1017
 - pleading rules, 1019–1020
 - securities-related, 759n10, 817–819
 - service of process, 1017–1018
 - summary of keys laws on, 1035
 - trial procedure and supervision, 1028–1031
 - unfair competition claims, 319–320
 - See also specific cases by name*
- Loans
 - banking regulation on, 458, 459–460
 - consumer finance enterprises providing, 501–503
 - deposits, 334–335
 - FIEs incurring, 100, 122, 131
 - guarantees, 323–326, 347n38, 459–460
 - liens, 334
 - loan contracts, 299–300
 - mortgage, 327–331, 841–846
 - non-performing loan balances, 453, 458
 - pledges, 331–333
 - syndicated, 454n20
- Local people’s congresses, 65, 1073
- Logistics enterprises, 189–191
- Logy Enterprises Ltd. v. Haikou City Bonded Area Wansen Products Trading Co.*, 997n151
- Losing face, 37n5
- Macao, 108, 226n32, 231n43, 1079n23
- Machinery and equipment
 - as investment contribution, 89, 97–98
 - maintenance/technical support, 116–117
 - subsidies for, 5
 - tax issues, 371, 373, 385–386n80
 - trade (import/export) of, 2, 3n5, 25, 715–716
- Mail service, 179–181
- Maintenance and technical service operations, 116–117
- Management
 - banking regulations on, 478–479
 - bankruptcy liability, 960–961
 - consulting and management services, 389n91

- Management, *continued*
 director and officer liability,
 1038–1046
 FIE management structure,
 94–96, 113–115, 125,
 127–128, 131–132,
 134n203
 stock ownership by,
 392nn104–105, 786–787
 tax issues related to, 393
- Manufacturing sector. *See* Industrial
 and manufacturing sectors
- Mao Zedong Thought, 51–53
- Marine/underwater regulations
 cultural resource preservation,
 850, 853
 pollution control,
 859–860nn13–16, 875–880
- Market access, 9–13, 1086–1089
- Marrakesh Agreement, 6, 9
- Marxism-Leninism, 51–53
- Maternity leave/pregnancy
 issues, 419–421
- May Fourth Movement, 48–49n40
- Measures/methods (*banfa*),
 defined, 66
- Media, 177, 195–196, 238–239n69
See also Publishing industry
- Mediation
 during arbitration, 965–967
 history of, in China,
 963–965, 1031
 joint, 967–968
 labor-related, 433–434
 during litigation, 967
 summary of key laws
 on, 1005–1006
- Medical services. *See* Health
 care sector
- Mencius, 36, 38
- Mergers, acquisitions and divisions
 Anti-Monopoly Law on,
 901–902, 917–930
 capital requirements, 898–899,
 900, 905–906
 domestic enterprise acquisition
 by foreign investors,
 441, 896–902
 employment issues, 439–441
 of FIEs, 440, 902–909
 foreign investor strategic
 investment in listed
 companies, 910–912
 as liquidation alternative, 944
 listed company acquisition, 781
 public announcement of,
 909, 913n61, 914
 public company takeovers,
 912–917
 summary of key laws, 930–933
- Mineral resources industry, 209,
 396n120, 849–850, 852–853
- Ministry of Agriculture (MOA),
 593, 595, 596n137
- Ministry of Civil Affairs
 (MCA), 61n34
- Ministry of Commerce (MOFCOM)
 anti-dumping oversight
 of, 737–742
 anti-subsidy oversight
 of, 742–744
 commercial sector regulations,
 11, 184–185
 FIE applications to, 83, 87–88,
 105, 107–108, 111n99,
 119–120, 126–127, 132,
 136, 138, 139–141, 144–145,
 158n2, 167, 235, 801–803
 import control standards
 of, 714–715

- liquidation oversight, 937–938, 942
- mergers/acquisition oversight, 901, 904, 910–912, 923, 925–930
- principal functions of, 61–62n35
- public comments on pending regulations, 19
- technology regulations, 316–319
- trade safeguard oversight by, 744–746
- transportation sector regulations, 188, 190–191
- Ministry of Culture (MOCT), 176–177n60, 246–247
- Ministry of Environmental Protection (MEP)
 - approval procedures, 868, 881, 886
 - enforcement by, 865–866, 868–869, 871, 1049
 - restructuring of, 856, 857
 - role of, 62n36, 858, 862
 - See also* State Environmental Protection Administration
- Ministry of Finance (MOF), 24, 62n37, 161, 515–516
- Ministry of Foreign Affairs (MOFA), 62n38, 195–196
- Ministry of Foreign Trade and Economic Cooperation (MOFTEC), 175, 199–200, 202, 317–318
- Ministry of Health (MOH), 62n39, 593, 595–596, 602
- Ministry of Housing and Urban-Rural Development (MOHURD), 62n40, 167, 837
- Ministry of Human Resource and Social Security (MOHRSS), 62n41, 403, 431–432, 431n90
- Ministry of Industry and Information Technology (MIIT)
 - domain name registration, 248–250
 - Internet regulation/licensing, 237–238, 239
 - principal functions of, 63n42
 - restructuring of, 215–216n1
 - software regulation, 258, 260–261
 - telecom industry applications to, 219–221, 222, 234–235
 - telecom industry regulations, 218, 235–236
 - telecom industry restructuring, 215–217
- Ministry of Justice (MOJ)
 - arbitration regulations, 979–980
 - judicial system role of, 1018n32
 - law firm regulations, 197
 - law schools under, 72
 - legal profession regulations, 73–74
 - principal functions of, 63n43
- Ministry of Land Resources (MLR)
 - land-use certification by, 833, 840
 - mineral resources regulations, 209, 209n173
 - principal functions of, 63n44
- Ministry of Public Security (MPS), 63n45, 141, 263–264
- Ministry of Science and Technology (MOST), 4–5n7, 63n46, 126–127

- Ministry of Transportation (MOT),
63n47, 192–193, 211
- Minors, 418–422, 425, 839n85
- Mitsubishi Rayon/Lucite* acquisition
decision, 928–929n112
- Money laundering, 464–467,
529–530, 1043–1044
- Monopolies/monopolistic pricing,
590n110, 591–592,
623–624, 918–920
See also Anti-Monopoly Law
- Mortgages, 327–331, 841–846
- Motor vehicles. *See* Automobiles
and automotive industry
- Multinational enterprises, 492–493
- National Audit Office, 461,
515, 523–525
- National border and economic
cooperation zones, 1070
- National Copyright Administration
(NCA), 650, 666–667
- National Development and Reform
Commission (NDRC)
“buy local” policy, 4
FIE application to, 138,
157–158n1
national economic security
review by, 930n114
principal functions of, 61n32
project financing application
to, 488–489
- National Development Bank
of China (NDB), 450
- National Food Safety
Committee, 593
- National Indigenous Innovation
Products Accreditation
Program, 4–5n7
- National Judges College, 76n97, 77
- National People’s Congress
judicial system role of,
70–72, 73, 1009
legal system development,
53–54, 55, 67–68
legislative role of, 56–59
ministry reorganization, 431n90
- Natural resources, 209, 396n120,
849–850, 852–853
- New and high technology
development zones, 1070
See also HNTE (high- and new-
technology enterprises)
- News services. *See* Media
- New York Convention,
995–996, 1000
- Non-competition agreements, 411
- Non-performing loan
balances, 453, 458
- Occupational health and
safety standards, 421,
423–425, 883–884
- Oil industry. *See* Energy industry
- Olympic Games 2008,
627n1, 635n27
- Online activities. *See* Internet
- Order (*mingling*), defined, 66
- Outsourcing operations, 5, 201
- Own-account securities
trading, 806–808
- Ownership rights. *See*
Property rights
- Paklito Investment Ltd. v. Klochner
East Asia Ltd.*, 985–986
- Panasonic/Sanyo* merger
decision, 929n112
- Partnership enterprises
contractual issues, 109, 111–112

- FIEs involving Chinese partners,
 - 109–115, 151, 393–394
- management issues, 113–115
- partnership property/
 - contributions, 112–113
- tax issues, 393–394
- Passenger regulations, 719–720
- Patents
 - applications for, 672, 676–680
 - assignment of, 681
 - cancellation/invalidation
 - of, 682–683
 - criminal patent
 - infringement, 1047
 - duration of, 682
 - enforcement of rights,
 - 683–685
 - history of law, 672–676
 - joint rights to, 675
 - laws and regulations on,
 - 672–687, 690–691
 - licensing of, 681–682
 - novelty requirements/
 - exceptions, 680
 - patent agents, 674, 677n214
 - technology, 313–315
- Penalties, for violation of laws and regulations
 - advertising-related, 585–586
 - bankruptcy-related, 960–961
 - consumer protection-related,
 - 572–573, 575, 576–577,
 - 579–580, 585–586, 588–589,
 - 594, 602, 606–609, 611n191,
 - 612–613nn194–195, 619
 - customs and trade-related, 720–732
 - environmental protection-related,
 - 858, 864–866, 869, 871,
 - 876, 880, 884, 886, 1049
 - financial industry-related,
 - 464, 466–467, 479–480,
 - 486n176, 493–495, 520n331
 - food industry-related, 594,
 - 602, 606–609
 - government procurement-related, 361–362
 - insurance sector-related,
 - 551, 564–565
 - intellectual property-related,
 - 628–629, 644–646, 647–649,
 - 663n153, 666–672,
 - 683–688, 1046–1048
 - labor-related, 412n21,
 - 414–415n26, 425,
 - 431–432, 444
 - monopoly-related, 592,
 - 920, 921–922, 927
 - pharmaceutical sector-related, 611n191,
 - 612–613nn194–195, 619
 - product quality-related,
 - 572–573, 575, 576–577
 - property rights/land-use-related, 841
 - securities-related, 790–793,
 - 807–808, 820, 1040–1042
 - tax-related, 398–400
 - telecommunication-related,
 - 230–231, 235, 244
 - tender-related, 353–354
 - unfair competition-related,
 - 588–589
- People's Bank of China
 - bank reserve requirements
 - by, 460n48, 476–477
 - bank takeovers by, 461–462
 - on currency valuation, 24
 - financial services regulations, 181
 - interest rates set by, 300

- People's Bank of China, *continued*
 role of, 449–450, 452
 securities regulation by, 759
- People's congresses, 65, 1073
See also National People's
 Congress
- People's Insurance Company
 of China (PICC), 538
- People's Mediation Committees,
 964
- People's procuratorates, 71–72
- People's Republic of China. *See*
 China, People's Republic of
- Performance bonds,
 347n38, 352n63
- Permits, employment, 442–444
- Personal connections (*guanxi*),
 78–79, 92, 1049–1050
- Personal data protection, 242n76,
 247, 250–252, 1043
- Personal identity cards,
 406n3, 409n9
- Petroleum industry. *See*
 Energy industry
- Pfizer/Wyeth* acquisition
 decision, 929n112
- Pharmaceutical sector
 advertising regulations,
 582–583, 617–618
 consumer protection
 regulations on, 582–583,
 609–619, 624–626
 drug, defined, 610n186
 drug manufacturing
 standards, 610–613
 drug wholesale/retail
 standards, 613–614
 importation of pharmaceuticals,
 614–615
 licensing of, 610–611, 613
 market access to, 12–13
 packaging of pharmaceuticals,
 615
 penalties for violation of laws/
 regulations, 611n191,
 612–613nn194–195, 619
 pricing of pharmaceuticals,
 616–617
 supervision and examination,
 618–619
- Pinghu/Robinson Helicopter*
 decision, 1032n112
- Pledge contracts/pledge rights,
 331–333, 831–832
- Pollution control. *See*
 Environmental protection
- Polytek Engineering Co., Ltd.*
v. Jacobson Companies
and Jacobson, Inc., 974
- Port administration/
 infrastructure, 210–211
- Postal services, 179–181
- Prices
 anti-dumping regulations
 on, 736–742
 consumer protection
 regulations on, 589–592,
 616–617, 623–624
 government-guided,
 590–591
 monopolistic, 590n110,
 591–592, 623–624
 pharmaceutical, 616–617
 subsidized, 5, 16–17,
 742–744
 trade price controls, 16
See also Valuation
- Privacy issues, 242n76, 247,
 250–252, 1043
- Probation periods, 409–410n11

- Processing trade sector, 115–116,
716–717, 751–752
- Procuratorates, people's, 71–72
- Procurement, government. *See*
Government procurement
- Procurement centers/agencies,
201–202, 356–357
- Product quality regulations,
569–577
- Professional service sector.
See Service sector
- Profits
of FIEs, 82, 93–94, 113,
129, 518n324
foreign exchange of, 484
recordkeeping requirements,
518n324
- Project financing, 487–490
- Property insurance, 545–546,
553–554, 845
- Property management
companies, 848
- Property rights
adjoining/adjacent
ownership, 830
common and joint
ownership, 829–830
construction land use
rights, 832, 852
cultural resource preservation,
850, 853
easement rights, 831
expropriation of property
rights, 828–829
FIE land-use rights, 101–102
general principles of law
on, 825–828
immovable property
mortgage, 841–846
land registration, 839–841
laws and regulations on, 825–853
(*See Laws and regulations,
property rights, land use, and
natural resources for detail*)
lost/mislaidd/abandoned
property, 830–831
petroleum/mineral resources,
849–850, 852–853
pledge/lien/possession
rights, 831–832
property, defined, 826
protection of, 26–27,
755, 825–826
real estate development/
transactions, 846–848
real estate transfer
registration, 837–839
summary of key laws, 851–853
transfer of land use rights,
835–846, 851–852
Trust Law on, 504
utilization and protection of
land, 832–846, 851–852
- Public offerings
application procedures,
774–776
China Securities Investor Fund
Corporation on, 789–790
corporate governance
standards, 788–789
disclosure requirements,
784–786
limitations on share ownership/
transfer, 786–787
penalties and investigations,
790–793
secondary offerings by listed
companies, 781–783
securities regulations on,
764, 773–793

- Public offerings, *continued*
 sponsors/underwriters,
 773–774, 776–777
 stock listing, 777–781
- Publishing industry
 copyrights of, 664–665
 foreign investment regulations
 in, 211–213
 Internet publishing, 243–245
 publication of laws/
 regulations, 66, 67
- Purchase and sales of goods
 contracts, 295–299
- Pyramid selling, 169, 169n37
- Qing Dynasty, 37, 47–48
- Qualified domestic institutional
 investors (QDII), 810–814
- Qualified foreign institutional
 investors (QFII),
 810–814, 912
- Radio. *See* Entertainment industry
- Radioactive waste, 861n21, 863
- Railway cargo transportation. *See*
 Transportation services
- Real estate sector
 consumer protection
 regulations on, 584
 real estate development/
 transactions, 846–848
 tax issues, 389n92,
 396n121, 397n123
See also Property rights
- Recordkeeping/reporting
 B-share reporting
 requirements, 799–800
 company limited by
 shares, 766–767
 as corruption control, 1061–1062
 criminal liability for falsification
 of records, 1038–1039,
 1042, 1043–1044
 customs inspection of, 731–732
 environmental regulation
 reporting requirements,
 861n24, 880, 884–887
 financial regulations on,
 461–462, 477, 485, 499,
 503, 515–523, 535
 insurance regulations on, 551
 public offering reporting
 requirements, 784–786
- Recruitment, employee,
 414–415, 438
- Recycling, 861–862, 867, 873–874
- Regulations (*guiding*), defined, 66
- Regulations on Recordal
 of Regulations and
 Legal Codes, 68
- Regulations (*tiaoli*), defined, 66
- Remedies, for violation of
 laws and regulations
 breach of contract, 289–291
 consumer protection-related,
 576–577, 579–580, 585–586,
 588–589, 606–609
 customs and trade-related,
 720–732, 736–746, 753
 environmental protection-related,
 864–866, 871, 876, 880
 food industry-related, 606–609
 intellectual property rights,
 644–646, 647–649,
 663n153, 666–672, 683–687
 telecommunication, 230–231
 for unfair competition
 claims, 319–320
See also Penalties, for violation
 of laws and regulations

- Renewable energy resources,
857, 860–861n19
- Renminbi (RMB) valuation,
23–24
- Representative offices
employment in, 437–439, 442
of FIEs, 82–84, 117–118,
149–150, 172, 196–198,
394–395, 398n127,
437–439, 467, 468n86
of foreign banks, 467, 468n86
of law firms, 196–198
tax issues, 394–395, 398n127
- Republic of China. *See* Taiwan
- Research and development
centers, 130–132, 152
- Reserve funds
financial regulations on, 460n48,
476–477, 514–515
insurance regulations on,
548–549, 562
- Residence certificates, 443–444
- Resolution (*jueyi*), defined, 66
- Resource tax, 396n120
- Retail services sector, 10–11,
184–186
- Retirement/pension benefits,
417n34
- Risk management
banks/financial institution
systems, 459
food industry/food safety, 593,
595–596, 605–606
insurance sector reinsurance
requirements for, 549–551
- Rule of Law (*fazhi*), 40, 77–79
- Rule of Man (*renzhi*), 40
- Rules (*guize* or *xize*), defined, 66
- Rules of origin, 711–712,
1086–1087
- Sales
direct sales/marketing
regulations, 168–170
of mortgaged property, 330–331
purchase and sales of goods
contracts, 295–299
pyramid, 169, 169n37
software product, 260–261
- Secured Interests Law, 273,
322–323, 325–326, 334
- Securities
bid security, 347
bonds, 347n38, 352n63,
548n50, 770n54, 783
deposits, 334–335, 460–461
guarantees, 323–326, 347n38,
459–460, 548
liens, 334
mortgages, 327–331, 841–846
pledges, 331–333, 831–832
secured interest contracts,
322–335, 831–832
shares/stocks (*See* Securities
regulations; Shares)
- Securities Association of China, 762
- Securities Investor Protection Fund
Corporation (SIPF),
789–790
- Securities regulations, 755–824
A-share investments,
762, 810–814
brokerage/trading firm
regulation, 803–806
B-shares, 758, 762, 796–800
capital requirements, 763,
779–780, 801, 806n205,
811–812, 814, 816
Company Law, 762–772
criminal penalties for violation
of, 820, 1040–1042

- Securities regulations, *continued*
- dispute resolution,
 - 759n10, 817–819
 - FIE securities companies/fund management companies/ securities investment funds, 815–817
 - FIEs limited by shares, 800–803
 - foreign capital shares listed in China regulations, 758, 796–800
 - foreign investment in state shares, 808–810
 - futures trading, 758, 761n17
 - history of, 755–756
 - H-shares, 762
 - insider trading, 791–793, 807–808, 1040–1041
 - overseas listing of domestic shares, 793–796
 - own-account securities trading regulations, 806–808
 - penalties for violation of, 790–793, 807–808, 820, 1040–1042
 - property rights and, 755
 - public offerings, 764, 773–793
 - qualified domestic institutional investors, 814
 - qualified foreign institutional investors, 810–814
 - regulatory system, 757–762
 - stock exchanges, 757–758, 761, 777–781
 - summary of key laws, 820–824
- Security standards
- encryption, 261–263, 269
 - information security products, 263–266, 269
 - national economic security
 - review, 930
 - online banking, 463
 - personal data protection, 242n76, 247, 250–252, 1043
 - state secrets, 75, 75n93, 228, 229n39, 241n74, 269, 355n69, 674, 675n205, 1020, 1021n50, 1034n124, 1048
 - summary of key laws, 269
 - telecommunication, 228–230, 241n74, 247
 - trade secrets, 315, 315n210, 319–320, 411, 586n90, 587, 1020, 1048
- Service sector
- General Agreement on Trade in Services (GATS), 8, 9
 - market access to services, 9–13, 1087–1089
 - regulation of, 159–203 (*See Laws and regulations, service sector for detail*)
 - tax issues, 369–372
 - technical service contracts, 316
 - See also specific sectors for detail*
- Severance pay, 411–412, 427
- Sexual harassment, 422
- Shanghai, China
- FIE headquarter establishment rules, 148–149n246
 - free-trade zone/special economic zone, 11, 1073–1074
 - Internet regulations, 237n64
 - judicial system in, 1009
 - labor and employment law in, 405–406n2
 - legislative structure, 56, 65

- stock exchange, 757–758, 761, 780–781
- travel agencies in, 202n162
- World Expo 2010 in, 635n27
- Shang Yang, 39
- Shantou special economic zone, 1070
- Shares
 - A-shares, 762, 810–814
 - B-shares, 758, 762, 796–800
 - company limited by shares, 135–136, 152, 512, 539, 762–772, 800–803, 905
 - foreign capital shares listed in China regulations, 758, 796–800
 - foreign investment in state shares, 808–810
 - H-shares, 762
 - limitations on ownership/transfer, 786–787
 - merger/acquisition of (*See* Mergers, acquisitions and divisions)
 - overseas listing of domestic shares, 793–796
 - pledge of transferable, 333
 - public offering of, 764, 773–793
 - securities regulations on (*See* Securities regulations)
 - stock incentives/options, 392nn104–105
- Shen Jiaben, 47, 47n35
- Shenzhen, China
 - Arbitration Committee, 984n89
 - bankruptcy rules in, 945n34
 - Foreign Economic Contract Law, 274n5
 - free-trade zone/special economic zone, 11, 1070, 1073–1074
 - government procurement in, 338n2
 - stock exchange, 757–758, 761, 780–781
- Shi Huang Di, 39
- Shipping services. *See* Mail service; Port administration/infrastructure; Transportation services
- Singapore, 3
- Smuggling, 720–732
- Social insurance and welfare benefits, 416–418, 420, 549
- Software
 - encrypted, 261–263, 269
 - Green Dam (filtering), 236n63
 - intellectual property rights on, 260, 266, 628n3, 653n108, 659–664
 - key software enterprise standards, 255–258
 - policies encouraging software enterprises, 252–255
 - product standards, 258–266
 - regulations on, 194, 252–266, 269, 272
 - taxation issues, 253–254, 258
- Solid waste pollution control, 866–874
- South Korea, 3
- Soviet Union, 48n37, 52
- Special zones
 - coastal zone regulations, 1071–1072
 - economic and technological development zones, 1068

- Special zones, *continued*
- encouragement of foreign investment regulations, 1072–1073
 - export processing zones, 1068–1069
 - free trade zones, 11, 1069
 - geographical/industry-specific development initiatives, 1074–1076
 - Hong Kong Special Administrative Region (HKSAR), 1076–1089
 - local regulations, 1073–1074
 - national border and economic cooperation zones, 1070
 - new and high technology development zones, 1070
 - special economic zone regulations, 1070–1071
 - summary of key laws, 1089–1090
- Staff placement firms, 412
- Stamp duty tax, 397n122
- Standards Administration of China, 572
- State Administration of Foreign Exchange (SAFE)
- account opening/management procedures, 483–485
 - application to, 482–483
 - domestic enterprise foreign exchange, 490–491
 - financial institution oversight, 492–493
 - foreign exchange insurance transaction approvals, 547
 - guarantor registration with, 324
 - penalties by, 493–495
 - project financing approvals by, 489–490
 - QFII investment oversight, 812–814
 - transaction control procedures, 485–487
- State Administration of Industry and Commerce (SAIC)
- advertising standards, 585
 - annual inspection by, 525–527
 - company limited by shares application to, 765
 - FIE application to, 88, 108, 111–112, 111n99–101, 138, 139–141, 144–145, 898
 - financial institution application to, 457, 473
 - food safety role of, 593, 595, 606
 - insurance sector applications to, 555
 - liquidation oversight, 942–943
 - monopoly oversight, 919, 921–922
 - principal functions of, 64n52
 - trademark oversight by, 632, 637–641, 644–646, 647–648
 - unfair competition claims to, 588–589
- State Administration of Radio, Film, and Television (SARFT)
- advertising standards by, 581n63
 - entertainment industry regulations, 173–174, 175, 177–178
 - Internet regulation, 245
 - restructuring of, 64, 173n49
- State Administration of Taxation (SAT), 64n54, 160–161, 395, 400
- State Assets Supervision and Administration Commission (SASAC), 64n51

- State Commission for Restructuring
the Economic System, 64
- State Council
- foreign-invested enterprises
regulations, 82
 - legislative role of, 28, 59–64, 68
- Securities Commission,
758–759, 796–797
- technology outsourcing policy, 5
See also specific Ministries
- State Environmental Protection
Administration,
583n76, 593n125
- See also* Ministry of
Environmental
Protection (MEP)
- State Food and Drug
Administration (SFDA)
- food safety oversight,
593, 595, 606
 - medical device/instrument
oversight, 619–620
 - pharmaceutical sector oversight,
610–612, 613–615,
617–619
- State Forestry Bureau, 64
- State Intellectual Property
Office (SIPO), 672–676,
678–684, 686
- State-owned enterprises (SOEs)
- corporatization of, 756
 - FIE limited by share
conversion of, 802–803
 - foreign investment in, 136–137,
440–441, 808–810
 - insurance company as, 538–539
 - social service obligations
of, 27–28n62
 - takeover of, 912–917
- See also* Domestic enterprises
- State secrets, 75, 75n93, 228,
229n39, 241n74, 269,
355n69, 674, 675n205,
1020, 1021n50,
1034n124, 1048
- Statute of limitations of
contracts, 293
- Stock. *See* Shares
- Stock exchanges, 757–758,
761, 777–781, 914
- Subrogation, right of, 286–287
- Subsidiary companies, 117–118
- Subsidies, 5, 16–17, 742–744
- Supervisory committees,
763–764, 771–772
- Suppliers
- defined, 357
 - government procurement
law for, 354–362, 365
 - supplier contracts, 360–361
 - tender laws for, 337–
354, 362–365
- Supreme People’s Court
- on appeals, 1009, 1029–1031
 - on arbitration enforcement,
999–1000, 1001
 - on corruption/bribery,
1051n39, 1053n50
 - court structure, 1007–1031
 - evidentiary rules, 1021–1028
 - on intellectual property rights
litigation, 670, 686
 - judicial precedent, 1007–1008
 - judicial system role of,
69–71, 1007–1008
 - on jurisdictional issues,
1011–1016
 - legal reform, 28–29
 - levels of courts under,
70, 1008–1009

- Supreme People's Court, *continued*
 on participants in civil
 proceedings, 1016–1017
 on securities litigation, 818–819
 tort law interpretation by, 620
 on trade finance regulations, 495
 on trial supervision, 1029
- Supreme People's Procuratorate, 72
- Taiwan, 3, 22, 54, 226n32,
 231n43, 1060
- Takeovers, 461–462, 912–917
- Tariffs
 classification of, 709
 duties levied in accordance
 with, 698
 Hong Kong import, 1086–1087
 reduction of, 8–9, 693–694,
 698, 709–711
 on transportation services, 193
- Taxes
 audits, 398–399n127
 business tax, 369–372, 401–402
 consumption tax, 378–379,
 401, 694, 709
 deed tax, 397n123
 depreciation/amortization, 383
 environmental protection tax
 incentives, 857, 882
 FIE taxation, 84, 84n8, 91,
 109–110, 122–123,
 122–123n159, 129, 132,
 141–142, 253n109,
 367–402
 import/export, 17, 253, 374–375,
 375–376n41, 379, 694,
 698–708, 709–711
 income tax
 enterprise, 379–387, 402
 individual, 390–394
 industry sector tax
 issues, 387–390
 insurance sector tax issues,
 369n8, 370n14, 388n88
 integrated circuit-related, 266
 payment of, 372, 376–378,
 379, 387, 400
 representative office,
 394–395, 398n127
 resource tax, 396n120
 software-related, 253–254, 258
 special zone preferential tax
 treatment (*See* Special zones)
 stamp duty tax, 397n122
 summary of key laws, 401–402
 taxation law, 367–402 (*See*
 Laws and regulations,
 tax for detail)
 tax exemptions, 371–372,
 374–376
 tax reform, 367, 372–373,
 398–399n127
 turnover taxes, 184n84, 206n166,
 253, 266, 368–379, 401–402,
 694, 709
 urban real estate tax, 396n121
 value-added tax, 184n84,
 206n166, 253, 266,
 372–378, 401, 694, 709
 vehicle tax and surcharge,
 397n125
 withholding, 395
- Technology
 FIE technology transfer, 100–101
 HNTE (high- and new-technology
 enterprises), 4–5n7, 254n115,
 383n76, 384, 384–385n79
 importing, 274, 316–319
 indigenous products accreditation
 program, 4–5n7

- intellectual property rights, 312, 313–315
- new and high technology
 - development zones, 1070
- outsourcing, 5, 201
- technology contracts, 274, 309–320
- venture capital investments
 - in, 123–129
- See also* Information technology;
Telecommunications sector
- Technology Contract Law, 274
- Technology Import Contract Regulations, 274
- Telecommunications sector
 - basic *vs.* value-added services, 219–221, 219nn10–11, 232–234
 - criminal liability in, 228–230, 241–242, 241n74, 242n76, 251
 - data privacy/protection, 242n76, 247, 250–252, 1043
 - domain name registration, 248–250, 271–272
 - fees for services, 222–223, 225
 - FIE regulations, 232–235
 - foreign investment regulations
 - in, 194, 218–252 (*See Laws and regulations, information technology, telecommunications and software for detail*)
 - industry restructuring, 215–217
 - Internet regulations, 236–248, 270–271
 - internetwork connections, 221–222
 - intranet regulations, 235–236
 - market access to,
 - mobile telephones, 227–228n35
 - network construction, 225–227
 - penalties, 230–231, 235, 242, 244
 - permit procedures, 219–221, 227–228, 234–235, 237n64, 238–240
 - resources and users fees, 223
 - security standards, 228–230, 241–242, 241n74, 242n76, 247, 250–252
 - service operators/user standards, 224–225
 - summary of key laws, 267–269
 - tax issues, 388–389n90
 - terminal equipment
 - permits, 227–228
 - See also* Internet
- Television. *See* Entertainment industry
- Tenders
 - evaluation of proposals/
 - contract awards, 349–354
 - submission of, 346–349
 - tendering agents, 349, 616n203
 - tendering methods (private *vs.* public tenders), 343–346, 358, 616n203
 - tender laws, 337–354, 362–365
- Terranova* case, 43–44
- Tianjin, China, 11, 56, 65, 419–420nn46–48, 1009
- Tobacco products, 583
- Tongyi Advertising Co.*
 - case, 589n108
- Tort law, 620–621, 1021–1022
- Trade
 - Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 8, 627n1, 687–688n267

Trade, *continued*

anti-dumping regulations,
736–742

anti-subsidy regulations, 742–744

China/WTO agreements, 5–17

foreign trade agency
contracts, 320–321

free-trade zones, 11, 1069

General Agreement on Tariffs
and Trade (GATT), 6, 8

General Agreement on Trade
in Services (GATS), 8, 9

intellectual property
administration in, 641–642

laws and regulations on, 693–753
(*See Laws and regulations,
customs and trade for detail*)

market access, 9–13, 1086–1089

most-favored-nation
treatment, 15

price controls, 16

special zones and (*See*
Special zones)

subsidies, 16–17

summary of key laws, 746–753

trade barriers, 8–9, 16, 17
(*See also* Tariffs)

trade deficits, 2–3, 24–25

trade finance, 495

trade regime, 15

trade remedies, 720–732,
736–746, 753

trade safeguard regulations,
744–746

trading rights, 10–11,
17, 320n228

treaty obligations, 13–17

U.S.-China, 2–3, 7, 22–25

WTO compliance record, 18–22

See also Customs;

Exports; Imports

Trademarks

applications for, 630–631,
636–641

assignment of, 640–641

cancellation/revocation
of, 646–647

certification marks, 633

collective marks, 632–633

domain names and, 248n100

enforcement of rights, 643–646

history of trademark
law, 629–631

laws and regulations on,
629–649, 688–689

penalties/remedies for violation
of laws/regulations,
644–646, 647–649, 1046

principles of law, 631–636

renewal of, 640

well-known, certification/
protection of, 642–643, 930

Trade secrets

criminal penalties for
disclosure of, 1048

judicial system rules on, 1020

non-competition agreement
for employees with
access to, 411

technology, 315, 315n210

unfair competition claims
based on disclosure of,
319–320, 586n90, 587

Trade unions, 403–404, 408n7,
413–414, 431

Transportation services

customs regulations on,
696–697, 720–727, 729

- environmental regulations on,
 - 860n15, 868–869,
 - 876–877
- foreign investment regulations
 - in, 187–194
- tax issues, 369n6
- See also* Automobiles and
 - automotive industry;
 - Aviation/airport
 - infrastructure industry; Port
 - administration/infrastructure
- Travel agencies/tour operators,
 - 202–203
- Treaties, 13–17, 41–50, 48–49n40
- TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights), 8,
 - 627n1, 687–688n267
- Trusts
 - changes to/termination
 - of, 509, 510, 512
 - charitable, 510
 - parties to a trust, 507–508
 - regulations on, 504–515, 535
 - trust, defined, 504
 - trust companies, 511–515
 - trust contracts, 504–505, 514
 - trust property, 506–507, 511
- Turnover taxes
 - business tax, 369–372, 401–402
 - consumption tax, 378–379, 401
 - tax law on, 368–379
 - value-added tax, 184n84,
 - 206n166, 253, 266,
 - 372–378, 401, 694, 709
- Underwater resource regulations.
 - See* Marine/underwater
 - regulations
- Unemployment benefits,
 - 417n37, 428
 - See also* Social insurance
 - and welfare benefits
- Unfair competition
 - Anti-Monopoly Law addressing
 - (*See* Anti-Monopoly Law)
 - commercial bribery and,
 - 1057n69
 - consumer protection
 - regulations on, 586–589
 - trade secrets claims, 319–320,
 - 586n90, 587
- Uniform Customs and Practice
 - on Documentary Credits
 - (UCP 500), 495
- United States
 - class action suits in, 1017n30
 - Committee on Foreign Investment
 - in the United States,
 - 930n114
 - court proceedings in
 - China, 44–45
 - exports to China, 2–3
 - extraterritorial privileges
 - of, 41–50
 - Foreign Corrupt Practices
 - Act, 1057–1063
 - intellectual property issues with
 - China, 627–628n1, 671n193
 - political relations with
 - China, 22–25, 54
 - recognition of China by, 54
 - service of process in, 1018n32
 - trade relations with China,
 - 2–3, 7, 22–25
 - WTO complaints against
 - China by, 19–22
- Urban real estate tax, 396n121

- Valuation
 of assets, 899–900
 of capital contribution, 97–98, 137
 of currency, 23–24
 of imports/exports, 14n34,
 698–708
See also Prices
- Value-added tax (VAT)
 import, 694, 709
 industrial sector issues, 206n166
 information technology
 sector issues, 253, 266
 service sector issues, 184n84
 tax laws on, 372–378, 401
 WTO protocol on, 17, 20
- Vehicle tax and surcharge, 397n125
- Venture capital investment
 enterprises, 123–129,
 389–390n93
- Versailles Treaty, 48–49n40
- Virtue and propriety (*li*), defined, 36
- Vocational training, 415
- Wage and hour regulation,
 429–431, 439
- Water. *See* Environmental protection:
 water quality; Marine/
 underwater regulations
- Web-based activities. *See* Internet
- WEEE regulations, 872–874
- Welfare benefits and social
 insurance, 416–418, 420, 549
- Wholesale operations, 186–187
- Wholly foreign-owned
 enterprises (WFOE)
 advertising agencies, 162
 certification organizations, 171
 construction companies, 165–167
 convention and exhibition
 companies, 168
 distribution companies, 187
 FIE structure as, 85–91
 financial institutions, 470–471
 insurance company, 559
 procurement centers, 201
 retail organizations, 186
 summary of key laws on, 150
 transportation services, 188, 192
 travel agencies/tour
 operators, 202–203
- Wildlife protection, 861n23
- Wireless local area networks,
 262–263
- Withholding taxes, 395
- Women, workplace protection
 of, 418–422, 425
- Workplace issues. *See*
 Employment and labor
- Work visas, 443
- World Bank, 449n1
- World Expo 2010, 635n27
- World Trade Organization (WTO)
 China agreements with, 5–17
 China's compliance record, 18–22
 government procurement
 agreement, 339n6
 Hong Kong membership in, 1081
 market access for services, 9–13
 tariff reductions, 8–9
 treaty obligations, 13–17
- Xiamen, China, 11, 1070
- Zhao Ziyang, 56
- Zhengzhou Commodity
 Exchange, 761
- Zhou He, 159n3
- Zhuang Zi, 38
- Zhuhai, China, 1070