

## Insurance

At the forefront - Represent clients in Chinese courts for litigation matters and issue official Chinese law opinions.

We service local, inbound and outbound clients, with particular expertise in relation to all aspects of insurance related matters.

### Onshore Chinese law capability

In China, we have onshore Chinese law capability via Clyde & Co Westlink JLV, Clyde & Co's joint law venture with Chinese local law firm Westlink Partnership since 2013.

Clyde & Co Westlink JLV enables us to draw together Clyde & Co's international expertise with the full domestic Chinese law capability of Westlink Partnership for clients with an interest in China.

Our China qualified attorneys have rights of audience before the Chinese Courts and arbitration institutions and can advise on all facets of insurance disputes.

### Claims, advisory and dispute resolution

We defend claims and provide coverage advice across every line of insurance business, from small losses to large and complex claims. We act as defence counsel in a range of matters including Chinese court proceedings, international and domestic arbitrations. We also have extensive experience in pursuing subrogated recoveries on behalf of insurers.

Our coverage roles include advising on policy issues for primary and excess insurers and reinsurers, liaising with insureds and their representatives on contentious claims, monitoring and/or controlling the defence of third-party claims against insureds, and advising on subrogation rights.

We regularly advise on product development and insurance structures, including drafting and

localising insurance and reinsurance contracts across all classes of business, and advising on associated regulatory/compliance issues.

Our commercial dispute resolution practice covers litigation and all forms of alternative dispute resolution.

### Lines of business

We specialise in the following sectors and classes of insurance business:

- Aviation
- Construction and engineering
- Employment practices liability
- Energy and resources
- Financial lines
- Fraud
- Liability (including product and public liability)
- Marine
- Non-claims dispute resolution
- Professional indemnity
- Property
- Reinsurance
- Specialty
- Surety
- Trade credit and political risk

## Aviation liability

In China, we are particularly well placed in advising on aviation liability and dispute related issues. We have been involved in some of the major aviation accidents and incidents, many of those are high-profile. These liability matters range from acting in connection with a major aviation disaster to smaller accidents taking place on board the aircraft or during embarkation. We are able to deliver unrivalled expertise in handling aviation claims based on our market-leading dispute resolution capability.

### Relevant experience

- Acting for one of the leading Middle Eastern airlines in defending and counter-claiming court proceedings in China in connection with damages of cargo on board a flight from Guangzhou, China to Algiers, Algeria.
- Advising a Chinese airline and its (re)insurer in respect of a damage to aircraft engine incident due to the airport authority's negligence in performing the 'Water Arch Ceremony'.
- Advising a major Chinese airline and its (re)insurer on various compensation issues arising from personal injury / damage to property claims as a result of an emergency landing due to wind shear.
- Acting for a low-cost airline in defending court proceedings in China arising out of a claim filed by a Chinese travel agency in relation to costs incurred due to delay or cancellation of flights from Melbourne to Sydney.

## Credit insurance

We are well equipped to advise on all aspects of trade credit insurance. We act for many of the world's leading political risk and trade credit insurers on the interpretation and drafting of trade credit insurance contracts for national export credit agencies and insurers across a range of policy products. We also specialise in the resolution of disputes revolving around contract wording issues, coverage advice and subrogated recoveries.

### Relevant experience

- Advising the Chinese branch of a leading credit insurer on disputes under credit insurance, and defending more than 30 arbitration cases filed by the insured in CIETAC Shanghai (claim

amount around RMB 50 million).

- Acting for a Chinese insurer in defending 4 arbitration cases filed by the insured in CIETAC Shanghai due to disputes under domestic trade credit insurance (claim amount around RMB 60 million).
- Representing a Chinese state-owned credit insurer in conducting searches and investigations into the authenticity of the relevant shipping and sales documents, and to explore whether any aspects of the cargo sales concerned are fraudulent and/or non-existent.
- Assisting major credit insurers with anti-fraud due diligence check and policy coverage evaluation.

## D&O liability

We have considerable experience in drafting and reviewing financial institutions and D&O policies, and in advising on product development and policy wordings to deal with developing and emerging issues. We regularly act for insurers and reinsurers on coverage disputes (whether litigated or arbitrated) concerning complex investment products, hedging transactions and portfolio management, as well as multi-million dollar mis-selling claims and class actions. We act for insureds (both directors and officers and institutions, as well as financial services firms), defending claims brought against them, and can do so in a cost effective and efficient way.

### Relevant experience

- Advising a Chinese insurer and its reinsurer on policy coverage issues under D&O liability insurance provided to an A-share listed company.
- Advising 8 Chinese primary insurers and foreign excess layer insurers on policy coverage issues under D&O liability insurance provided to a NASDAQ listed company.
- Advising 13 Chinese primary insurers on policy coverage issues under D&O liability insurance provided to a NASDAQ listed company.
- Advising 18 Chinese primary insurers and foreign excess layer insurers on policy coverage issues under D&O liability insurance provided to a NASDAQ listed company.

- Advising the Chinese branch of a Swiss insurance company on policy coverage issues under D&O liability insurance provided to an A-share listed company, in relation to the insurability of administrative fines under Chinese Law.
- Advising a leading Chinese insurer on product development and polishing the D&O policy wordings.
- Advising the Chinese branch of a U.S. insurer on policy coverage issues under financial institution liability insurance and acting for the insurer in pursuing subrogated claim.

## General liability

We advise on the entire spectrum of casualty and general liability claims, including high-value international commercial risks such as public liability, product liability and product recall claims and environmental claims.

### Relevant experience

- Advising the Taiwanese branch of a US insurer on policy coverage issues under general commercial liability insurance from a Chinese law perspective.
- Advising the Mexican branch of a US insurer on policy coverage issues under general commercial liability insurance, and assisting the insured in attending Court hearings in Beijing.
- Advising the Chinese branch of a U.S. insurer on policy coverage issues under commercial general liability insurance.

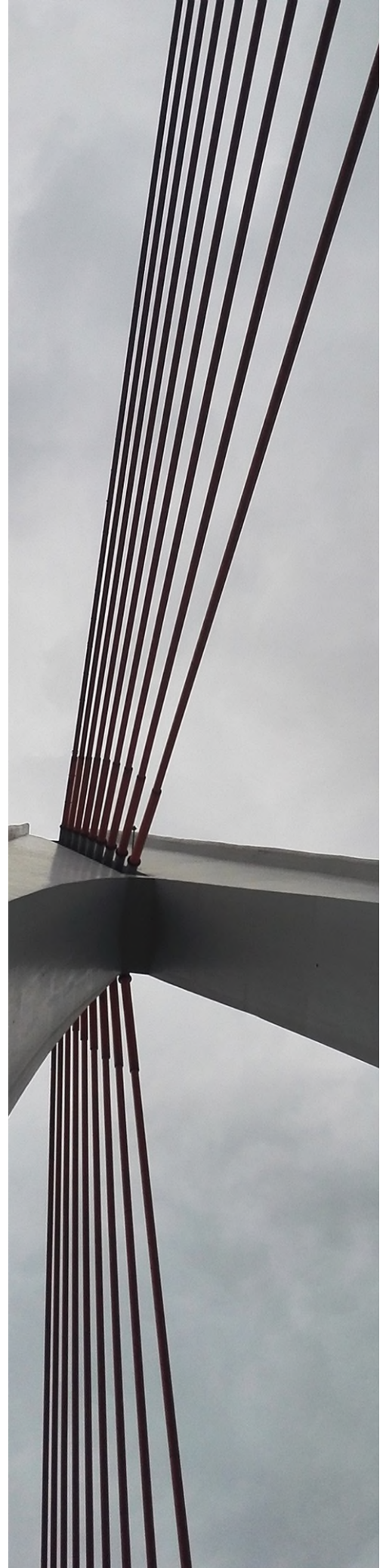
## Product liability

In view of the growing trend of product quality issues in China, consumer rights and interests are at the forefront of issues to be addressed. Despite the development of product liability law in China being in its early stages, consumers in China are now more conscious of the rights to bring claims against domestic and foreign retailers as well as manufacturers for defective products, resulting in a surge of product liability actions in the courts and arbitration proceedings.

We have particular expertise in advising international insurers in pursuing subrogated recovery under product liability policies involving products manufactured in China ranging from solar panels, dehumidifiers, furniture, electronic products, tyres, bicycles, lighting products, etc.

### Relevant experience

- Advising the Chinese branch of a Korean insurer on policy coverage issues under product liability insurance in relation to two major fire incidents in Jiangxi Province, and assisting the insured in negotiating settlement with the victim's family.
- Advising the Chinese branch of a Korean insurer on policy coverage under product liability insurance in respect of a serious fire accident in Hainan Province, and assisting the insured in negotiating settlement with the victim.
- Advising the Chinese branch of a US insurer on policy coverage issues under product liability insurance regarding severe personal injury caused by explosion.



# Subrogated recovery

Insurance recovery is a specialised process that involves a combination of legal knowledge, commercial negotiation and litigation skills. Our team is recognised as a leader in this field and has a proven model and determination to achieve optimal results. We maintain a common global approach of robust early assessment of the merits of a case and efficient case management.

We are prepared to share in the risks of pursuing subrogation recoveries, and this is reflected in the flexible fee arrangements that we can offer, as we understand subrogated recoveries are a key part of the claims cycle for insurers.

## Relevant experience

- Acting for the Chinese subsidiary of a European insurer in pursuing various subrogation claims against local manufacturers in China.
- Acting for a Chinese insurer in pursuing a subrogation claim arising from cargo damages caused by carriage by air before a Shanghai Court.
- Acting for the Chinese subsidiary of a European insurer in pursuing a subrogation claim arising from cargo damages caused by inland carriage before Zhuhai Arbitration Commission.
- Acting for the Chinese subsidiary of a Korean insurer in pursuing a subrogation claim Before the Tianjin No.3 Intermediate Court.
- Acting for the Chinese subsidiary of a US Insurer in pursuing a subrogation claim based on joint and several liability arising from misrepresentation in securities before the Kunming Intermediate Court.
- Acting for the Chinese subsidiary of a US Insurer in pursuing a subrogation claim under cargo insurance before the Wuhan Maritime Court.
- Acting for a Swiss insurer in pursuing a subrogation claim against a local manufacturer in China.
- Defending a subrogation claim against an international carrier before the Shanghai Financial Court.



## Key contacts



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