

## Legal Aspects of Start-ups Doing Business in China

Department: Fudan International Winter Session 2025

<b>Course Code</b>	<b>TBA</b>						
<b>Course Title</b>	<b>Legal Aspects of Start-ups Doing Business in China</b>						
Credit	2	Experiment (including Computer) Credit		Practice Credit		Aesthetic Education Credit	
Credit Hours Per Week	12 credit hours per week, 36+3 tutorial hours in total (one credit hour is 45 minutes)	Education on The Hard- Working Spirit Credit Hours		Language of Instruction	Engli sh	Honors Course	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Course Type	<input type="checkbox"/> Core General Education Course <input type="checkbox"/> Specific General Education Course <input type="checkbox"/> Basic Course in General Discipline <input checked="" type="checkbox"/> Others			2+X Major :			
				<input type="checkbox"/> Professional Core Course <input type="checkbox"/> Professional Advanced Course Non 2+X Major : <input type="checkbox"/> Professional Compulsory Course <input type="checkbox"/> Professional Elective Course			
Course Objectives	<p>This course aims to walk you through the current legal environment of China, its origin, logic, structure, and evolution, hence fostering a deep understanding and practice in real-life scenarios, upon the issue of start-ups conducting better businesses in China, for the senior college students and/or graduate students.</p> <p>The main goals of this course lays in three sectors:</p> <ul style="list-style-type: none"> <li>○ To provide the in-person academic teaching and coaching experience, a completion of 2-credit course.</li> <li>○ To provide the international students a framework to equip, a toolkit to find, an in-depth observation of cross-culture businesses, with their on-hand business blueprints or business extension plans throughout China, if any.</li> <li>○ Local students are also welcome to attend, though this course's focus is for the international students, however, in an unusual perspective to dive deep and understand Chinese legal environments may also craft for their future careers.</li> </ul>						

<p>Course Description</p>	<p>How to make money in China? How to avoid to losing money within China? While the first issue suits business schools, the latter is a typical law school issue. However, this course, <i>Legal Aspects of Start-ups Doing Business in China</i>, stands up in between, in the belief that without the helmet and shield from the legal premise, a business pioneer would risk all the efforts of his innovations, products and business models in the long-term race, not to mention safeguarding his harvest from such business. A proper parachute is instantly and constantly necessary before the entrepreneurship soars high into blue sky.</p> <p>This course applies PEST and SWOT analyses, as well as case-study methods, in the POV of a start-up, to walk the students through the whole business-life, including but not limited to soft-landing phase, the formation of business, the transaction rules, the legal compliance of routine operations, and the dispute resolutions.</p> <p>Students shall get their scores based upon the attendance and performance of class and assignments, presentation(s), and the performance of final examination. The percentage of A scores shall not exceed to 30% of total participants of the enrolled class.</p>
<p><b>Course Requirements:</b></p> <p>The study of this course involves attending lectures, discussing key concepts and its real-life applications. It is acceptable for the pre-discussion for the homework assignments, but each student must complete all assignments independently. It is also encouraged for the students to read popular on-line/off-line press widely and see related phenomena in real life and use what they have learnt in class to analyze them. Thus, the students are all needed to join a We-chat group for the updating reading materials and/or follow-up discussion(s).</p>	
<p><b>Teaching Methods:</b></p> <p>This course starts with challenging issues for start-ups doing business in China and will provide an in-depth survey of Chinese Legal Tradition &amp; Legal Philosophy on a historic-cultural analysis basis. The course will aid the international students a better understanding of Chinese legal culture as a part of business environment, the students will be learning not only from the legal texts but also from discovering the unspoken rules of cultural-genetic application of laws and regulations in China under the current transition. Doctrine-hermeneutics and case-analysis will be applied in each part of the course.</p>	
<p><b>Course Director's Academic Background:</b></p> <p>Prof. WANG Jun (James) jointed in Fudan's Law Faculty after he graduated from Peking University in 1985. He received his graduate studies on Civil Law &amp; Civil Procedure at Fudan University between 2001 and 2003. Prof. WANG has been working with colleagues at the Centre for Nordic Studies of Fudan University, and University of Konstanz as a visiting scholar and guest speaker of EMBA program in University of St. Gallen, also, a visiting scholar to School of Law of Washington University in St. Louis.</p> <p>Prof. WANG has been a registered lawyer since 1994, focusing on IP proceedings and civil litigations. He is an arbitrator to the Arbitration Committee of Jing-Hua Municipality, Zhejiang Province.</p>	

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Instructor's Academic Background:

See above.

Members of Teaching Team

Name	Gender	Professional Title	Department	Responsibility

**Course Schedule:**

Episode 1 Introduction to China's Legal Tradition

- Formation of China's Legal Tradition
- Impacts of Chinese Legalism
- Ruling Party in reign, some red flags
- Legal Structure

Episode 2 Legal Philosophy

- rule of law v. rule by law, white cat/black cat theory
- Absence & lack of property protection
- book-stealing is not a crime, etc. IP as a measure for development
- Chinese-logic of unfair dealing, Deep Seek or Deep-sink?

Episode 3 Global Expansion and Soft-landing for Doing Better Businesses

- Globalization or localization? Different narratives, same logic
- How does a start-up to start within China?
- 'A man with a why to live with can bear almost anyhow (Fredrick Niches)', so does a start-up!
- Case study: Doing Better Business like Tesla Giga Factory

Episode 4 Business Structure

- Individual
- Joint venture
- WOFE
- But is there pathway to stop bleeding?

Episode 5 Foreign Investment Law

- Globalization or Anti-globalization? Global Competition! Its impacts and the preparation
- Elements and principles of Foreign Investment Law
- Investment Negative List, Business Environment Optimization and Free-trade zone

Episode 6 Contract Law

- Governing rules & the connection with CISG

- Labour contract

#### Episode 7 Intellectual Property Law

- Copyright, Patent, Trademark and Trade Secret
- Case Study: Oliver Palmer's Silence on Zotye-SR9
- Case Study: Tim Cook's pocket money for more than iPad trademark compensation

#### Episode 8 Competition Law

- Illegal Conducts
- Consumers Protection: general principles & special rules for food and pharmaceutical products
- Market Dominance is a sweet reward for business effort, but what does Anti-monopoly for start-ups?

#### Episode 9 Legal Issues of E-commerce

- Is platform (flat) market fair enough to do business?
- Safe harbour and red flag doctrine
- Privacy and Network Security

#### Episode 10 Compliance, Taxations and Corporate Crimes (optional)

- Case Study: the closure of Seagate (Suzhou) under taxation inspection (2015~2023)
- Case Study: GlaxoSmithKline Bribery (2014)

#### Episode 11 Dispute Resolution

- Civil/Administrational/Criminal Procedures
- Arbitration
- Mediation

#### Episode 12 Presentations of Ritual & Examination

- Date of Exam: TBD

The design of class discussion or exercise, practice, experience and so on:

#### **Class Participation**

There will be in-class quizzes, presentation(s), discussions, and/or other exercises each time class meets and if/when available online.

#### **Homework Assignments**

There will be no less than two off-line homework assignments and one presentation for each registered student throughout the winter session. Homework assignments will be comprised of mini-papers and case analyses (legal-battle workshops based upon group cooperation). The purpose of homework is to get knowledge and skills so that to better prepare not only for the tests, but also a preparation for real-life practice. Students are encouraged to work in groups but should write up their own answers. Assignments are due at the beginning of the mid-week class. Please be sure to staple the pages together before you hand it in, while the PDF files of assignments should also be sent at e-learning platform for school records. Late homework may be accepted with certain penalty on the due date, beyond which there will be more penalty for later submission, but a 3-days or more delay will be regarded as a give-up of such assignment.

#### **Presentation(s) of Ritual**

Students are encouraged to apply their presentation(s) into legal-battle workshops either in class or in one of the field trips. When the number of participants is over 30 in the class, presentation(s) shall be made upon group-work basis.

### **Filed trip**

Course topic related field trip(s) is on the list of course activities, on the condition of the class scale, at the students' ex-curriculum availability.

### **Test & Exam(s)**

The final exam is an off-line open notes and books test, in paper-printing form, but participants are NOT allowed to use any web-accessed devices, including but not limited to laptop, iPad, smartphone, etc., nor to get instant access to internet during the test. Final exam will be comprised of multiple choices, short answer questions, and/or case analyses.

Final exam's open-close policy may change based upon majority voting of the class.

### **Make-Up Exam**

There will be no make-up exam.

If you need a TA, please indicate the assignment of assistant:

### **Grading & Evaluation:**

Classroom participation: 20%

Assignments:30%

Presentation(s):20%

Final Exam:30%

Usage of Textbook: ☐Yes(complete textbook information form below) ☐No

Textbook Information (No more than two textbooks) :

Title	Author	ISBN	Publishing Time	Publisher	Type I	Type II

Teaching References: