



Professor Shin-yi PENG

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PRESENT POSITION

- *Professor*, Institute of Law for Science and Technology, National Tsing Hua University, Taiwan (2007-present)
- *Associate Dean*, College of Technology Management, National Tsing Hua University, Taiwan (2016-present)

EDUCATION

- *Doctor of Juridical Science (S.J.D.)*, University of Wisconsin-Madison (2000)
- *Master of Laws (LL.M.)*, University of Wisconsin-Madison (1997)
- *Bachelor of Laws (LL.B.)*, Chinese Cultural University (1994)

QUALIFICATION

New York, Member of American Bar Association (Admitted 2000)

AREAS OF SPECIALIZATION

WTO Law, International Economic Law, Trade in Services, Dispute Settlement, Telecommunications Law, Technology Law and Policy.

TEACHING EXPERIENCE

- *Professor*, Institute of Law for Science & Technology, National Tsing Hua University, Taiwan (2007-present)
 - Teaching “International Economic Law”, “Communications Law”, “Contracts” and “Legal Writing”.
- *Visiting Professor*, Faculty of Law, Maastricht University, the Netherlands (February 2012)
 - Intensively taught “Competition, Media and Entertainment Law” in the LL.M.
- *Associate Professor*, Institute of Law for Science & Technology, National Tsing Hua University, Taiwan (2003-2007)
- *Assistant Professor*, Institute of Law for Science & Technology, National Tsing Hua University, Taiwan (2000-2003)
- *Adjunct Lecturer*, University of Wisconsin Law School, Madison, Wisconsin (1999-2000)
 - Taught “Legal Aspects of Doing Business with Greater China” for two consecutive spring semesters in J.D. Program.

OTHER PROFESSIONAL EXPERIENCE & POSITIONS

- *Co-Executive Vice President*, Society of International Economic Law (SIEL) (2016-present)
- *Commissioner*, National Communications Commission (NCC), Executive Yuan, Taiwan (2012-2016)
- *Director*, Institute of Law for Science and Technology, National Tsing Hua University, Taiwan (2007-2012)
- *Deputy Director*, Research Center for Humanities and Social Science, National Tsing Hua University, Taiwan (2012)
- *Member of Executive Council*, Society of International Economic Law (SIEL) (2012-2016)
- *Member of the Steering Committee*, Asian International Economic Law Network (AIELN) (2008-present)
- *Member of the Board of Directors*, Asia Pacific Intellectual Property Association (APIPA), Taiwan (2016-present)
- *Member of Executive Committee*, Research Institute for the Humanities and Social Sciences, National Science Council, Taiwan (2012)
- *Visiting Fellow & Visiting Researcher*, Institute of International Economic Law (IIEL), Georgetown University Law Center, Washington DC (2010)
- A member of the Indicative List of Governmental and Non-Governmental Panelists for resolving WTO dispute (2011-present)
- Listed in Taiwan's Rosters of Arbitrators for the ASTEP (The Agreement between Singapore and Taiwan on Economic Partnership) (2014-present)
- *Sectoral Expert*, Office of Trade Negotiations (OTN), Ministry of Economic Affairs, Taiwan (2013-present)
 - TiSA (Trade in Services Agreement)
 - TPP (The Trans-Pacific Partnership Agreement)
- *Legal Consultant*, Office of Trade Negotiations (OTN), Ministry of Economic Affairs, Taiwan (2011-2012)
 - ANZTEC, Taiwan-New Zealand FTA
 - ASTEP, Taiwan-Singapore FTA
- *Committee Member*, International Trade Commission, Ministry of Economic Affairs, Taiwan (2009-2012)
- *Legal Consultant*, Bureau of Foreign Trade (BOFT), Ministry of Economic Affairs, Taiwan (2004-2006)
 - GATS Negotiations; Taiwan-Nicaragua FTA
- *Legal Consultant*, the Taiwan Coalition of Service Industries (Taiwan CSI), Taiwan (2007-2009)
- *Case Author*, "Teleland—Measures Affecting Telecommunications Service", the 6th ELSA (The European Law Students' Association) Moot Court Competition on

WTO Law (EMC2) (2007-2008)

- *Panelist*, the 6th ELSA Moot Court Competition on WTO Law, Semi Final and Grand Final Oral Round, WTO, Geneva (2008)
- *Panelist*, the 4th -10th ELSA Moot Court Competition Asia Regional Round (2005-2012)
- *Member of the Review Committee of Written Submissions*, the 4th -10th ELSA Moot Court Competition Asia Regional Round (2005-2012)
 - “Professor Shin-yi Peng Award for the Best Overall Written Submission” named after me.
- *Summer Associate*, George, Hull, Porter & Kohli, P.S., Seattle, Washington (1997)

AWARD

- Outstanding Research Award, National Science Council, Taiwan (2010)
- Wu Ta-You Memorial Award, National Science Council, Taiwan (2005)
- Research Award for Newly Appointed Faculty, NTHU, Taiwan (2003)

ENGLISH LANGUAGE PUBLICATIONS

Journal Articles

- 2016 forthcoming (with Han-Wei Liu), “Managing Trade Conflicts in the ICT Industry: A Case Study of EU-Greater China” *Journal of International Economic Law*, Volume 19, Issue 3.
- 2016, “GATS and the Over-the-Top (OTT) Services –A Legal Outlook” *Journal of World Trade*, Volume 50, Issue 1, 21-46.
- 2015, “Cybersecurity Threats and the WTO National Security Exceptions” *Journal of International Economic Law*, Volume 18, Issue 2, 449-478.
- 2014, “Regulating New Services through Litigation? –Electronic Commerce as a Case Study on the Evaluation of “Judicial Activism” in the WTO” *Journal of World Trade*, Volume 48, Issue 6, 1189-1222.
- 2013, “Is the Trade in Services Agreement (TiSA) a Stepping Stone for the Next Version of GATS?” *Hong Kong Law Journal*, Volume 43, Part 2, 611-632.
- 2012, “Renegotiate the WTO Commitments? –Technological Change and Treaty Interpretation” *Cornell International Law Journal*, Volume 45, Issue 2, 403-430.
- 2010, “Taxing Innovation? – The Evolving Coverage of the Information Technology Agreement” *Tax Lawyer*, Volume 64, Issue 1, 79-96.
- 2009, “Regulatory Issues of Wireless Communications Towers: Taiwan's experience in Comparative Perspective” *Columbia Journal of Asian Law*, Volume 22, Number 2, 258-280.
- 2009, “Liberalization of Trade in Television Services: The Negotiation Dilemma and Challenges for the Future” *Journal of World Trade*, Volume 43, Issue 4, 657-682.
- 2008, “How Much Time is Reasonable? – The Arbitral Decisions under Article 21.3(c) of the DSU” *Berkeley Journal of International Law*, Volume 26, Issue 1.

- 2008, “International Trade in “Cultural Products” –UNESCO’s Commitment to Promoting Cultural Diversity and its Relations with the WTO” *International Trade and Business Law Review*, Volume 11, 218-235.
- 2007, “Trade in Telecommunications Services: Doha and Beyond” *Journal of World Trade*, Volume 41, Issue 3, 289-314.
- 2006 (with Benjamin Y. Li), “Facilitating Market Access for Taiwanese Lawyers in China” *UCLA Pacific Basin Law Journal*, Volume 23, Issue 2, 172-194.
- 2006, “Multilateral Disciplines on Services Procurement: Architectural Challenges under GATS” *The Journal of World Investment & Trade*, Volume 7, Issue 6, 975-996.
- 2006, “Towards Greater Mobility: Movement of Service Suppliers in East Asia” *Asian Journal of WTO & International Health Law and Policy*, Volume 1, Issue 1, 105-140.
- 2005 (with Charles R. Irish), “The Personalities and Policies Affecting U.S. Trade with East and Southeast Asia: The Implications of the Trade Promotion Authority” *International Trade and Business Law Review*, Volume 9, 45-72.
- 2003, “Privacy and the Construction of Legal Meaning in Taiwan” *International Lawyer*, Volume 37, Issue No. 4, 1037-1054.
- 2003, “Universal Telecommunications Service in China: Trade Liberalization, Subsidy, and Technology in the Making of Information Equality in the Broadband Era” *Asian-Pacific Law & Policy Journal*, Volume 4, 21-49.
- 2000, “The WTO Legalistic Approach and East Asia: From the Legal Culture Perspective” *Asian-Pacific Law & Policy Journal*, Volume 1, 13-48.
- 1998, “Economic Relations between Taiwan and Southeast Asia: A Review of Taiwan’s “Go South” Policy” *Wisconsin International Law Journal*, Volume 16, 639-660.
- 1998, “Agricultural Trade in East Asia after the Uruguay Round” *Occasional Papers Series of UW-EALSC* 1-20.

Book Chapters

- 2016 forthcoming, “The Soft Law Approach to Regulatory Harmonization: Are We Trading Away Privacy for Economic Integration?”, in Julien Chaisse *et al.* (eds) A "LIBER AMICORUM": MITSUO MATSUSHITA, A CRITICAL ASSESSMENT OF THE INTERNATIONAL ECONOMIC LAW AND GOVERNANCE (Oxford University Press).
- 2015, “Is the Trade in Services Agreement (TiSA) a Stepping Stone for the Next Version of GATS?”, in Won-mog Choi (eds) INTERNATIONAL ECONOMIC LAW: ASIA-PACIFIC PERSPECTIVES (Cambridge Scholars Publishing). Chapter 11, 322-351. (This chapter was originally published as an article by Sweet & Maxwell in *Hong Kong Law Journal*, Volume 43, Part 2, 2013, 611-632.)
- 2015, “Standards as a Means to Technological Leadership? – China’s ICT Standards in the Context of the International Economic Order”, in L Toohey *et al.*, (eds) CHINA IN THE INTERNATIONAL ECONOMIC ORDER: NEW DIRECTIONS AND CHANGING PARADIGMS (Cambridge University Press). Chapter 9, 128-150.
- 2015, “Emergency Safeguard Measures for Trade in Services: A Case Study of

Intra-Disciplinary Fragmentation”, in C.L. Lim *et al.* (eds) INTERNATIONAL ECONOMIC LAW AFTER THE CRISIS: A TALE OF FRAGMENTED DISCIPLINES (Cambridge University Press) Chapter 10, 237-262.

- 2014, “Renegotiate the WTO “Schedules of Commitments”? – Technological Development and Treaty Interpretation”, in Bryan Mercurio *et al.* (eds) SCIENCE AND TECHNOLOGY IN INTERNATIONAL ECONOMIC LAW: BALANCING COMPETING INTERESTS (Routledge) Chapter 6, 90-114 (This Chapter was originally published as an article in *Cornell International Law Journal*, 45(2), 2012, 403-430.)
- 2011, “Digitalization of Services, the GATS and the Protection of Personal Data”, in Reto M. Hilty *et al.* (eds), COMMUNICATIONS (LIBER AMICORUM FOR PROF. DR. ROLF H. WEBER) 753-769.

Book Review

- 2010, Book Review: Krista Nadakavukaren Schefer, SOCIAL REGULATION IN THE WTO – TRADE POLICY AND INTERNATIONAL LEGAL DEVELOPMENT, Edward Elgar Publishing Limited, 2010, ISBN 978 1 84844 959 6, *Asian Journal of WTO & International Health Law and Policy*, Volume 5, Issue 2, 5-9.

CHINESE LANGUAGE PUBLICATIONS

Books

- 2005, LEGAL ASPECTS OF TRADE IN SERVICES AND COMMUNICATIONS TECHNOLOGY (book), Angle Press, 1-389.
- 2004, SELECTED PAPERS ON INFO-COMMUNICATION LAW (edited book), National Tsing Hua University Press, 1-452.
- 2002, INFO-COMMUNICATIONS LEADING CASES – 1991~2002 (edited book), Angle Publishing Co., 1-399.

Selected Articles

- 2016 forthcoming, (with Tao-Yu Tuan), “Deregulation and Reregulation of the Must-Carry Rules”, *Taiwan Law Review*.
- 2015 (with Jayng Ko), “Deregulation? – Foreign Investment Limitations in the Communications Sector”, in Kung-Chung Liu (eds) COMMUNICATIONS LAW, 1-26.
- 2011, “Technological Convergence and Treaty Interpretation – On the Modernity of the WTO/GATS Specific Commitments and the *China-Audiovisual Services Case*”, *National Chengchi University Law Review*, Volume 120, 1-48.
- 2010, “Regulatory Principles of Spectrum Allocation – Scarce Resources?” *National Taipei University Law Review*, Volume 75, 213-260.
- 2010, “Information Transparency of Radio Stations: Comments on the *Sitefinder Case*”, *Taiwan Law Review*, Issue 180, 150-159, Issue 181, 164-179.
- 2010, “Rules of Origin for Services Trade”, *National Chengchi University Law Review*, Volume 113, 347-416.
- 2007, “Globalization and Value Diversity: On WTO Public Morals Exception”, *National Taiwan University Law Review*, Volume 36, Issue 2, 165-228.

- 2007, “Rethinking the Regulatory Principle of Technological Neutrality: A Case Study of VoIP” , *Taiwan Law Review*, Issue 151, 92-114.
- 2007 (with Junzhi Wu) “Land in the Sky: Legal Aspects of Spectrum Transaction”, *Taiwan Law Journal*, Issue 101, 5-26.
- 2005, “Comments on the U.S.-Antigua Internet Gambling Dispute: Contextual Interpretation and Framework of Market Access and National Treatment”, *National Chengchi University Law Review*, Volume 85, 309-381.
- 2005, “Mandatory v. Discretionary Legislation under the WTO Regime”, *Cross-Strait Law Review*, Issue 7, 5-24.
- 2004, “Amicus Curiae intervention in WTO Dispute Settlement Proceedings”, *National Chengchi University Law Review*, Volume 80, 291-344.
- 2004, “Comments on the *Mexico-Telecom* Dispute: The Current and Future State of Telecommunications Services in the Context of the WTO”, *Tsinghua Law Journal*, Volume 1, Issue 1, 5-52.
- 2004, “Contentions over Cultural Policy under the Trend toward Liberalization of Trade in Audiovisual Services”, *National Taiwan University Law Review*, Volume 33, Issue 4, 37-100.
- 2004, “Third Party Intervention in the WTO Dispute Settlement Proceedings”, *Taiwan Law Review*, Issue 105, 144-161.
- 2003, “The Sector-specific Competition Rules in the WTO Multilateral Framework: The Reference Paper on Telecommunications under GATS”, *National Chengchi University Law Review*, Volume 76, 307-366.
- 2002, “Closing the Digital Divide: From the Aspects of Communications Law”, *Socioeconomic Law and Institution Review*, Volume 29, 259-299.
- 2001, “Case Review: *US-Section 301 Trade Act*”, *Journal of Trade Remedies*, Volume 18, 93-131.
- 2001, “Settling Disputes in a Multilateral Framework: The WTO Dispute Resolution Mechanism and Its Effect on Taiwan”, in Connie Guang-Hua Yang (eds) *TAIWAN IN THE WTO REGIME: NEW ERA OF INTERNATIONAL ECONOMIC ORDER*, 1-98.

There are also tens of academic works, including *journal articles, book chapters, conference papers, research project reports, consultancy reports, bi-monthly commentary column on telecom policy, dissenting opinions to the NCC deliberations and newspaper articles*, written by Professor Peng, see <https://sites.google.com/a/gapp.nthu.edu.tw/syp/>

MAJOR PRESENTATIONS & SPEECHES

WTO

- 2014.03, “Transparency and Public Consultation Mechanisms in the Regulatory Processes: Experience in the Separate Customs Territory of Taiwan Penghu, Kinmen, and Matsu”, Thematic Session on Good Regulatory Practice, Committee on Technical Barriers to Trade, World Trade Organization, Geneva, Switzerland.

- 2008.09, “Current Regime for Temporary Movement of Service Suppliers in East Asia: The Experience of the Separate Customs Territory of Taiwan Penghu, Kinmen, and Matsu”, Mode 4 of the GATS –Taking Stock and Moving Forward, Trade in Services Division, World Trade Organization, Geneva, Switzerland.

APEC

- 2013.04, “4G Licensing in Chinese Taipei: Re-farming GSM Spectrum?” APEC Workshop: Development and Implementation of Methodologies to Improve the Quality of Regulations, Mexico City, Mexico.

SIEL

- 2016.07, “The Legality of the Data Localization Requirements: The TPP and Beyond”, the 5th Biennial Global Conference of the Society of International Economic Law, Johannesburg, South Africa.
- 2014.07, “Cybersecurity Threats and the WTO National Security Exceptions”, the Fourth Biennial Global Conference of the Society of International Economic Law, Bern, Switzerland.
- 2012.07, “Trade Rules for “Electronic Commerce” – Challenges Ahead”, the Third Biennial Global Conference of the Society of International Economic Law, Singapore.
- 2010.07, “Renegotiate the WTO Commitments? –Technological Change and Treaty Interpretation”, the Society of International Economic Law's 2010 Conference, Barcelona, Spain.
- 2008.07, “Quantification of WTO Services Trade: Rethinking the GATS’ Negotiating Modality, Scheduling Technology and Legal Imprecision”, Society of International Economic Law’s Inaugural Conference, Geneva, Switzerland.

AIELN

- 2015.07, “The Soft Law Approach to Regulatory Harmonization – Are We Trading Away Privacy for Economic Integration?” Joint Asian International Economic Law Conference, Bali, Indonesia.
- 2013.07, “Is the Trade in Services Agreement (TiSA) a Stepping Stone for the Next Version of GATS?” Asian International Economic Law Network Conference, Seoul, Korea.
- 2011.07, “Emergency Safeguard Measures for Trade in Services: Looking for Simpler Ways” Asian International Economic Law Network Conference, Hong Kong.

ASIL & ESIL

- 2009.10, “The Digitalization of the Services and Personal Data Protection under the GATS” , Conference on Changing Futures: Science and International Law, European Society of International Law & American Society of International Law, Helsinki, Finland.

IIEL Fellow Research Workshop-Georgetown Law

- 2010.09, “Technological Change and Treaty Interpretation”, Institute of International Economic Law, Georgetown Law, Washington DC.

Tsinghua University

- 2015.07, “GATS and the Over-the-Top (OTT) Services –A Legal Outlook”, WTO at 20: Multilateral Trading System, Dispute Settlement and Developing Countries, Tsinghua University, Beijing, China.

National Tsing Hua University (also served as Conference Host and Coordinator)

- 2011.11, “Regulating Technologies through Judicial Activism? – An Empirical Analysis of the WTO Dispute Settlement Cases”, ILST Conference on Innovation, Competition and Regulation, Institute of Law for Science and Technology, National Tsing Hua University, Taiwan.
- 2009.12, “Taxing Innovation? – The Evolving Coverage of the Information Technology Agreement”, ILST Conference on Innovation, Competition and Regulation, Institute of Law for Science and Technology, National Tsing Hua University, Taiwan.
- 2008.11, “Unfinished Business: WiMAX Licensing in Taiwan”, ILST Conference on Innovation, Competition and Regulation, Institute of Law for Science and Technology, National Tsing Hua University, Taiwan.

UNSW (CIBEL)

- 2016.06, “From Kung Fu Panda to Kung Fu Koala? Culture-oriented Mode 4 under ChAFTA”, Chinese-Australian Economic Law Relations in the post-ChAFTA World, the University of New South Wales, Sydney, Australia.

CUHK

- 2012.03, “Further Liberalization of Telecommunications Services: GATS-Plus and Plurilateral Approaches”, the 2nd CFRED Trade Colloquium, Centre for Financial Regulation and Economic Development, the Chinese University of Hong Kong, Hong Kong, China.

UW-Madison

- 2004.04, “Should Asian Countries Borrow More from Foreign Jurisprudences? – Taiwan's Experience on Privacy Protection and the Construction of Legal Meaning in Taiwan”, EALSC Faculty Luncheon Lecture, UW Law School, Madison, WI.