

THE INTERNATIONAL COUNCILOR



CII NEWS | EVENTS | INDUSTRY LEARNING

LETTER FROM THE PRESIDENT



DEAR MEMBERS:

The Covid-19 Pandemic rages on, now in different variants. The vaccines designed to contain it certainly look promising.

It has been a hectic 3 months. I am truly thankful to the Officers, the Board and the Committees for their involvement and commitment to CII. We were all quick to adapt to the new normal after lockdowns were implemented across the world. The safety of our members has remained of utmost importance. We will announce our decision

regarding the AGM (virtual, in-person or hybrid) in May 2021. I can assure you that until we unanimously decide that it is safe to meet in person once again, the Board and the various Committees will continue to work hard to ensure our members get the most out of their membership in this organization. We also need to decide on the venue for AGM 2022.

In January 2021, we had our first Regional Directors' meeting with all hands-on deck to understand how they can contribute more in their

respective regions to serve the CII members. We have implemented a strategy for each Regional Director for planning and hosting one event this year.

Our Legislative Committee headed by our VP Toine Goorts has held internal meetings to review the bylaws and suggested some changes that are required along with training.

The Conference and the Marketing & PR Committees are planning a packed agenda for 2021. Thanks to Howie Griffiths, Melissa Kelley-Hilton, Niclas Franklin and Yosh Wong, we are doing our best to engage with our members as much as possible.

Several virtual events are being planned, ranging from educational webinars, to meet & greets to ensure our members stay connected.

Speaking of firsts, CII had a virtual Regional Meeting moderated by Ryan Colley and Jeremy King in February. This was attended by about 60 members including guests

from ABL, Integra, ACFE, and ORIMS. The speakers were well received, and it was a great event. We remain committed to engage with ABL and Integra moving forward.

We are in the process of revising our CII applications to make them more user-friendly. Currently, we have 411 members with 9 pending applications. Most of our members have renewed their membership and the ones that have not, have been sent reminders to do so. We are also seeking help from our Regional Directors to complete the membership renewal process.

Our able Treasurer, John Withers has confirmed, the financial position of CII is healthy despite no in-person meetings. We also have numerous scholarships to give away, so if you have not applied please do so.

The outgoing ERD, Galen Clements is transitioning to the incoming ERD, Brett Mikkelson. The incoming ERD is vetting the current applicants under Galen's

guidance.

The business of CII continues. We need to renew the ED contract for the forthcoming year and require your approval. We need to confirm the status of all affiliate and associate members. Every odd year (now 2021), we need to nominate and elect the Regional Directors for a two-year term. We welcome volunteers who are committed to serve and help CII grow. The results of the CII survey under the leadership of Nancy Barber and our ED Lois Colley are summarized in this newsletter. We all need to encourage members to actively participate in CII matters and events. Kindly stay safe and remain in good health and spirits. The battle is not over yet.

Stay safe, take care, and best wishes!

Respectfully submitted,

Sachit Kumar,
President- CII

MEMBER SNAPSHOT



PENDING APPLICANTS:

If you have any information or insight to share, please contact Brett Mikkelson at brett@cii2.org.

***Yogendra
Chimire***

CERTIFIED

Kathmandu

NEPAL

***Rany
Fardiany***

CERTIFIED

West Java

INDONESIA

***James
Tunkey***

CERTIFIED

New York

USA

WELCOME, NEW MEMBERS:

Congratulations on your acceptance to The Council of International Investigators.

Anthony Adams

CERTIFIED

Missouri, USA

Christopher Dickson

CERTIFIED

Colorado, USA

Richard Ang

AFFILIATE

SINGAPORE

Thomas Jaeb

CERTIFIED

Minnesota, USA

Joseph 'Joe' Bayless

QUALIFIED

Virginia, USA

Jose Pimentel

CERTIFIED

Madrid SPAIN

DEAR FELLOW MEMBERS:

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Welcome to the new and improved Councilor! We have modernized your reading and sharing experience in this issue, by creating a more accessible interface for your enjoyment. Traditionally, we've created the newsletter as a regular document and uploaded it to the website. So here's to upgrades!

I hope that you will help me to utilize all the fun features of our new platform by submitting content that helps us serve our membership base. You can now submit videos (for example, a recent presentation) to be embedded into the newsletter and ready for the CII member community at the touch of a button.

Let this visual refresh be your personal invitation! E-mail your newsletter contributions to ciicouncilor@gmail.com.

In this issue, we are pleased to feature the perspective of **Ken Zheng** on different kinds of investigations in mainland China, and what effect updates regarding legal evidence introduction have had on Chinese private investigation processes. Ken shared a list of sites for research in China that you'll want to bookmark for future reference. I especially appreciate **Jennifer Mackovjak's** contribution, *The Boons of Being a Generalist*, which quite neatly describes a set of advantages which I have found to be true of most investigators. From professionally dabbling in so many varied industries and occurrences, we often bring unique insights to our new pursuits. News From Around the World includes updates from your **Regional Directors** about the state of affairs in a post-2020 world.

Also in this issue, I interviewed CII members about how they balance using social media for their business with the ongoing need to remain anonymous and professional, and how they're working on attracting the right kinds of clients with their web presences. Special thanks to **Gautam Kumar** and **Sheila Ponnosamy** for their commentary.

I look forward to your submissions for our next issue. In the meantime, I wish for you and your loved ones that you stay safe and healthy. I am hopeful that 2021 brings you that coveted shot in the arm!

Best regards,
LAUREN SOWERS



LETTER FROM THE EDITOR

RESOURCE CORNER

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The future is here! If you're not yet concerned about artificial intelligence making your job harder, then I suppose I'll be the bearer of bad news: *AI is going to create an incredibly tough environment for verification.* As media becomes increasingly easy to manipulate and falsify, investigators need to stay on top of tools to provide any level of verification possible. I do enjoy the occasional Twitter geocaching challenge. And I always maintain that as investigators, we have the obligation to at least be better than the hobbyist investigators online. So with that in mind, check out this chrome extension, InVid.

If you come across a video and you need more location information and/or verification of the video's location settings, InVid can provide insight. It also provides a link at which you can access a downloadable version of the video you found online. My favorite feature is that it auto-extracts keyframes from video to assist you in your geocaching or location verification research, and allows you to zoom in on aspects of the keyframes to enhance your analysis. [The Dutch OSINT Guy](#) has a great video introducing you to this fantastic Chrome extension. Watch it here!

OSINT VIDEO SERIES

**Video Verification
with InVid, Google
Maps & Street View
with Nico Dekens**



SANS

FROM THE COUNCIL OFFICE

LOIS COLLEY

EXECUTIVE DIRECTOR

Thank you to the 347 members who have renewed their membership for 2021. We still have 73 to go. A special thanks to the Regional Directors who went out of their way to follow up with the members who have yet to renew. We need all of you! Please renew by logging into your profile. Need help renewing? Not receiving communication from the Council office? Contact office@cii2.org or +1.917.292.0613.

For those of you who missed the “fika” hosted by Anne Styren and Niclas Franklin, it was really fun. Not only did we learn a little bit more about Board member Niclas Franklin (he owns a high powered speedboat and is publishing his second book!), but we learned something about ourselves as well. Anne ended the session by offering some pointers on zoom. It was a truly well planned well executed event.

I noticed our President and a couple of our board members (Howie and John) were in attendance as well. I can't think of any event that Sachit has ever missed, including the committee meetings. Such dedication.

Don't neglect to register for James Tunkey's presentation about the future of PI's on 26 May and the discussion surrounding Jack Devine's latest book, Spymaster's Prism on 16 June.

Your profile might need help. Please check your member profile using “search” terms such as city or country on the cii2.org website. Let me know if there are issues so we can fix them for you.

SURVEY SAYS BY NANCY BARBER

A COMPILATION & ANALYSIS OF THE RECENT CII MEMBER SURVEY

As with all surveys, the response is but a microcosm of the entire membership with only approximately 30% of the total membership responses. That more or less reflects the numbers seen in prior surveys. Based on those responses, there are several strategic planning takeaways in terms of allocation of resources in the next two years.

One of the more significant findings, and it confirms prior survey findings, is that CII's preferred communication platforms remains grounded in the listserv.

A small percentage of respondents would like CII to promote them publicly, but the majority of respondents want to keep their profiles private.

Two-thirds of the respondents do not

want CII to create a social media presence for them. Half of the respondents (63 of the 127) want CII a private social media presence within CII, which affirms the presence of our Facebook Groups page which is growing organically. This is a mandate for resources to be directed to the expansion and maintenance of the current vehicles including social media and web site content overseen by a social media/web master. Maintaining the social media and web site content will require accountability for the updates.

Another takeaway is that the focus on digital networking within the confines of COVID-19 constraints, need to be maintained and expanded until we can meet in person. This effort will require support of the RD's to provide digital events.

The majority of the respondents had not attended an AGM recently and the cost and inconvenience of travel remain the primary obstacle. This is not news to CII or for any of us who have been involved in AGM budget/planning.

Most business forecasts estimate at least a two-year recovery to planning in-person events. This may be one of the silver linings for CII within the context of AGM planning for the next two years. Rather than plan in-person events, re-allocation of planning to developing a more sophisticated and sustained digital AGM would aim to increase attendance. For example, the AGM digital meeting could take place over a two-day period and schedule around time differences for each region.

This strategic plan addresses the on-going struggle to draw in-person AGM attendance, open up AGM attendance to those whose business commitments and/or financial considerations, especially in light of the pandemic's economic consequences, and provide a CII event not typically available to that wider swath of our membership.

Finally, the overall results of the survey

are good news in that the comments and/or responses suggest that the Executive Board's work this past year generated generally positive membership response.

The following is the final tally of the survey results:

- **Networking remains the most important member benefit is networking (116) followed by Business resources (75); Conferences (77); and Education (72).**
- **The majority of respondents felt that CII had a great (50) or good (52) response to the 2020 pandemic; 22 felt it was satisfactory; 1 poor; and 1 ineffective.**
- **Half the respondents (65) want more education content and webinars during the pandemic. 27 wanted social and networking. 28 want an increase in both. Only 6 want less virtual events.**
- **121 respondents feel CII's method of communication is sufficient. 3 said there are "too many emails and 2 feel CII needs to improve communication.**
- **44 responded that the listserv (email) is their preferred method of communication. No one selected blog, Facebook group, or "other."**
- **83 out of 127 do not want CII to create a public presence for them on social media. Specifically, 63 of the respondents want CII to provide a PRIVATE presence, contrasting with 43 who want CII to create a public presence for them.**

SOCIAL MEDIA MARKETING

INVESTIGATORS FIND A BALANCE

BY LAUREN SOWERS

As a seasoned investigator first approaching the idea of marketing via social media, CII's Gautam Kumar of Globe Detective Agency (India) was like many of us- he struggled to begin. Ten years ago, Gautam felt that social media wasn't the right avenue to pursue for business advertising utilized by investigation and security services. But now, the social media space for business has evolved: "At that point in time, we didn't realize the impact that social media would eventually have."

SOCIAL MEDIA HAS GROWN UP

The many changes in the social media landscape in the past ten years have meant that the "professional" social media setting, once a place which mainly served college students and job seekers, has now become a central advertising opportunity and a way to showcase your unique skills and approach.

Similarly, Sheila Ponnosamy of Mainguard International (Australia) feels that her company was "quite late" in approaching digital marketing via social media. She watched from the sidelines, but then realized "as businesses adapt to the digital age, we did not want to get left behind."

Gautam's biggest advertising challenge today is gaining followers and engagement via social media: "Having gotten active only in the past year or so, we've learned that organic growth is fulfilling, but will always move at a

"We realized there is a need for balance in building trust in our marketing strategy by letting people know who we are" while also needing to "maintain our anonymity for operational work."

- Sheila Ponnosamy

slower pace.” A main challenge is presenting engaging content ideas that are “captivating yet professional.”

LOSING ANONYMITY,,, AND OTHER TRADE-OFFS

For both Sheila and Gautam, the main site driving the kind of engagement they’re seeking is LinkedIn. “From early on, I’ve always believed that for a service like ours and the audience we’re targeting, LinkedIn is the way to go,” said Gautam. The tone of LinkedIn is what helps attract investigators, he says, because “the conversation is more serious and professional, and one can easily gain an audience comprised of decision makers, law firms, and high level-executives.”

Sheila, like many investigators, would prefer to remain anonymous, but since the people at Mainguard work as a team, their ability to conduct investigations is “not much affected” by their now-public web presence. “We realized there is a need for balance in building trust in our marketing strategy by letting people know who we are” while also needing to “maintain our anonymity for operational work.”

Gautam also had to draw a proverbial line in the sand “As a company, we’ve always ensured that the field agents are not exposed to clients or marketing activities.”

In addition to striking that difficult balance, Sheila cites the time investment as a challenge in the upkeep of business social media.

ATTRACTING THE RIGHT KIND OF CLIENT

Sheila’s client base is still mainly referral work, and she prizes the confidentiality of their clients, so she is careful not to expose her clients by connecting with them online. Sheila feels that the increase in professional networking among

investigators results in an increase of shared resources and ultimately, better work product. Gautam similarly remarks that social media has not yet attracted the right kind of clientele, but they’re actively working on it: “As late entrants in taking on social media for the business, we are committed to a long term journey that helps us connect” with the right echelon of business and legal clients. He is proud of the varied following developed on LinkedIn thus far: “We’ve managed to increase our followers by 100% in four months.”

“From early on, I’ve always believed that for a service like ours and the audience we’re targeting, LinkedIn is the way to go.”

-Gautam Kumar

Gautam is confident in creative content development that “respects all the fundamental building blocks of a private investigation and security company” and plans for it to yield results in the long term: “I believe we will reap the rewards in the years to come, by enabling social media to be a valuable branding asset to the company. Even with our limited following, we constantly receive feedback from people on how we can improve, and a lot of appreciation for our social media content being different.”

Another social media business benefit Gautam sees is the potential to improve the way investigators are seen publicly: “The PI industry in India is not well received and/or regulated, which ends up resulting in unethical agents doing unethical work, and reflecting the entire industry in a bad light.” In posting engaging content on social media that is true to his business ethics, he hopes “to bring the company’s values to the forefront, and shed positive light on the industry as a whole.”

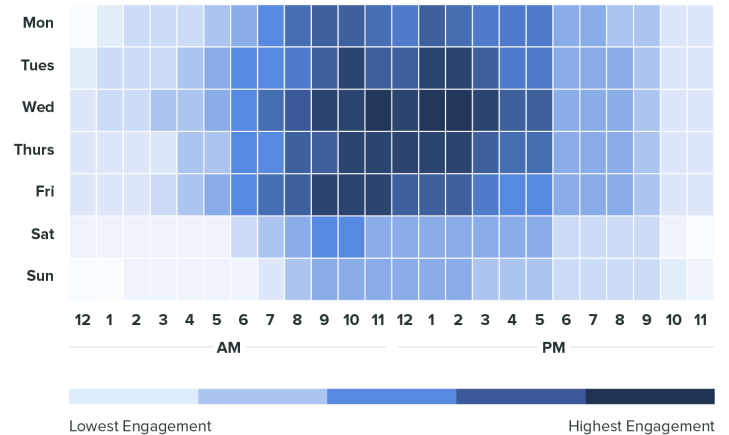
FEELING SOCIAL? HERE ARE THREE IDEAS TO IMPROVE YOUR REACH

Research what posting times are best for the site you're using.

For instance, according to an article on Hubspot.com, most users check LinkedIn upon arriving at work, at lunchtime, and before leaving. Plan to share your content during these windows for higher engagement. Here is a graph of Facebook's Global Engagement from 2020. Source: www.SproutSocial.com

Facebook Global Engagement

sproutsocial



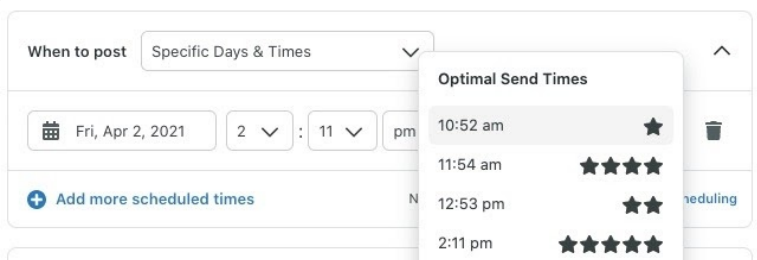
Create a content calendar.

Keeping track of holidays that might be relevant to your audience, and preparing something to share on those days is a great way to connect. A *great* example of this was the excellent post created on International Women's Day, where Globe Detective Agency shared "WOMEN: Wise, Organized, Meticulous, Enterprising, Natural Instincts."



Get a toolbox.

If gaining ground on social media is a top priority for your business, you might consider a tool or service that helps you reach your target market most effectively. SproutSocial is one example of such a tool- for \$99 per month, you can get great insights, such as what exact days and times *your* followers and your target market engage on a specific site. Services such as SproutSocial will generate a content calendar and help you meet your posting goals. You can consolidate your content creation and posting time, by creating a batch of content and scheduling out individual posts in advance.



NEWS FROM AROUND THE WORLD

On-The-Ground Insights from Regional Directors

From North America: Marc Reed, Region 1

“Canada has been impacted in certain types of investigations; surveillance and in-person interviews but generally due diligence, IP, cyber, social media, background and financial investigations continue. Vaccinations are rolling out slower than expected but have been really ramping up this month. This combined with the Spring weather finds us feeling somewhat more optimistic as we gear up to accommodate pent-up demand for our services. Our border with the USA continues to be closed and anyone arriving in Canada by air must take a Covid test and stay at a government approved hotel for up to 3 days awaiting the results. The cost could be upwards of \$2000.00 CDN to the traveler. Following this, a 14 day

quarantine at home is mandated.”

From Europe: Anne Styren, Region 8

“There is no common rule or way for addressing the pandemic because each country is unique and has adapted their own rules and is trying to cope. I've reached out to all of our European/Israeli members by personal e-mails. I understand some of them will not be renewing with CII or any organization, as times are hard. In Region 8, we have about 50 people registered for the coffee break on 18 March representing Europe, Asia, Africa and the Americas. We plan to explore what motivated Niclas Franklin to not just dream about writing two books but to actually do it. We will talk to others about their huge leaps of faith to explore their dreams.

We will also use zoom and the break out rooms and wrap up with a “Did you know that you can zoom training session?”

From India: Pawanjit Ahluwalia, Region 6

The farmer's agitation in India occupied the top news hour time with most news channels. The farmers are protesting against three laws that the Modi Government promulgated with the due approval of both the houses of the Parliament. The Farmers feel that these laws are regressive and not in their interest. 4 months of agitation on the borders of Delhi continues with thousands of farmers continuing their

protest.

The protests have been peaceful, but industries in that area are facing difficulties of movement of personnel, raw material and transporting of finished goods.

The COVID situation appears to be in control. India has two approved Vaccines which are being administered in a very structured way. There is an app on which one can book an appointment with designated hospitals to take the shot. All government-owned hospitals are administering the vaccine free of cost. Private hospitals have been allowed to charge INR 250/- per shot. This amount is about USD 3.50

Business limping back slowly to functioning level. Most of the offices have been allowed to open with restrictions on being COVID behavior compliant.

One of the things that the pandemic has taught us in India is how to work from home. Most offices are now adopting a hybrid approach of working from home and office.

The creation of the Quad alliance - Japan, Australia, India and the US is another significant event that has happened. It started under the administration of President Trump and is to continue more vigorously in President Biden's time. India is looking forward to being able to attract about 100 billion US dollar investment in India, which should augur well for

business with time.

Travel restrictions exist. Airlines are operating. The cost of petrol and diesel is shooting up in India due imposition of greater taxes on the sale.

From Australia, aka "down under" - Mick Symons, Regional Director, Region 7

We are slowly moving out of the COVID bubble. Australia locked down its international borders imposing a strict 14-day quarantine regime for incoming parties. There were some "glitches" with the virus "escaping" from quarantine hotels.

There was a parochial approach with the various State premiers locking down internal borders for, what many regarded as, minor incidents. This has impacted on the ability of the country to rapidly recover. It also impacted on the ability to conduct cross border investigations due to the uncertainty of interstate travel.

Business quickly adapted to Zoom or other digital methods. The problem being the inability to "read" the person while speaking or interviewing them.

Things appear to be moving in the right direction with the various vaccines being available. It is hoped most of the population will receive the vaccine (if they want it) within 12 months. This may lead to the opening of the international borders to enable the world to move slowly towards some semblance of normality. Maybe, just maybe, we may be able to attend

the 2022 international conference. Not holding my breath for 2021.

From the Far East Yosh Wong, Regional Director, Region 4

I wanted to make sure everyone knows we have fixed a date for the Regional Meeting for the Far East & Asia regions for April 28, 2021 - which will be an informal gathering, including breakout rooms for different regions and covering different topics. As far as COVID, the situation is changing everyday - vaccinations in Hong Kong are well underway and as with some other countries, Hong Kong is considering developing our own 'vaccine passport,' which will document the holder's vaccination histories, allowing exemption from quarantine. While Chinese authorities announced their plans to issue "vaccine passports" to those who received vaccines from four domestically developed vaccines, (two by state-owned China National Pharmaceutical Groups; Sinovac Biotech and CanSino; concern rests with different countries recognizing different vaccines for their "vaccine passport." A recent media article reported "The vaccines approved in China are not approved by European countries, and vice versa;" therefore "If the vaccines are not mutually recognized, the vaccine passport makes no sense." It seems that best way forward would be for all countries to recognize vaccines approved by the WHO, allowing those

who are vaccinated with an approved vaccine to travel freely. We hope this day comes soon.

From West Coast U.S. - Steve Levine, Regional Director, Region 12

"Region 12 continues to rebound from the challenges of the past year. Over the next three months I will be reaching out to each region member directly by phone and email to better introduce myself as the new RMD and to better understand the members needs and interests and to heighten awareness of all the benefits CII has available. Expect a call!

From East Coast U.S. - Ryan Colley, Regional Director, Region 10

USA East and Canada co-hosted the 2021 virtual Regional Meeting on 18 February which attracted a very diverse group of more than 70 attendees from around the globe. The half-day event helped investigators, businesses, and advisors increase their knowledge of the post-COVID threat landscape for conducting business in the APAC. Moderated by Region 10 Regional Director Ryan Colley and Jeremy King of King International in Ontario, the conference was the first all-virtual conference CII held since the 2020 Annual General Meeting.

From South America: -Seth Derish Co-Regional Director, Region 2

"Costa Rica's National Health Service (Caja) is slower than most developed countries getting the Covid vaccination to the public - my 71 year

old mother-in-law has yet to have her first vaccination and her 92 year old mother had her first vaccination just a couple of weeks ago. With that said, they do have uniform messaging and the Caja appear to be running a well-organized operation. The government is still struggling with the International Monetary Fund to re-structure its debt, estimated to be \$40 billion. The country has outsized social spending compared to other countries in the region, but also some outrageous government salaries and bloated pensions being paid to entrenched bureaucrats that further fuels the anger. The austerity programs announced by the government led to large protests and adds to possible instability in the future."

South & Central America continued: Maurice Armes, Co Regional Director, Region 2

Guyana, a country located in South America, that is larger than England and Ireland combined with a lot of mineral and other resources, has a population of less than one million. Guyana's official language is English and is linked with the Caribbean as a CARICOM Member State.

Guyana confirmed its first imported case of Coronavirus Disease (COVID-19) in the city of Georgetown on Wednesday, 11th March 2020. The affected person was identified as a 52-year-old Guyanese female who had travelled from the United States

of America. She arrived in Guyana on 5th March, was presented to the public health system on 10th March and was found to have uncontrolled Diabetes and Hypertension and died at the said hospital.

The Corona cases remained low for closer to a year then was severely escalated when migrants from Venezuela and Brazil crossed the Guyana border to escape the starvation crisis in Venezuela and the Corona pandemic in both countries and in the process, infecting our people in the border regions. According to multiple news outlets, the Venezuelans do have even more serious problems, including the recent printing of 1 Million Bolivar notes which is worth only 52 cents of the US dollar.

The Corona pandemic has had an astronomical effect on all sectors in Guyana, especially businesses, however there is currently no major lockdown to bring the economy to a halt. Guyana has commenced vaccination of persons 60 years and over and will continue in that trend. The next batch will be aged 40 years and over.

Below is Guyana's Covid-19 update figures as at this today March 25th.

Total Cases: 9,820 (+88)

Recovered: 8,632 (+30)

Deaths: 220 (+2)



MEMBER KEN ZHENG

OFFERS HIS PERSPECTIVE ON MODERN COMMERCIAL INVESTIGATION SERVICES IN CHINA

Commercial Investigation Service in China

Although modern private detective work originated in Europe and America, the first private investigative agency in mainland China began in 1992. In 2003, the Trademark Office (now renamed as the Trademark Office of China National Intellectual Property Administration) began to allow the registration of private detective trademarks. In recent years, the market demand of private detective investigation services is

increasing. According to the data of www.shujuling.com, at present, there are about 3,700 private detective agencies in China with more than 20,000 employees. Most of these agencies are in the form of business consulting companies. The private detective agencies are mainly engaged in: tracing for missing persons, property investigation and evidence collection, general information investigation, fraud investigation, marriage investigation, child behavior guardianship, debt collection, surveillance, as well as credit investigation, intellectual property investigation, anti-counterfeiting and rights protection, economic information investigation etc. The commercial investigation business exists in the form of companies, which mainly involve in credit investigation, intellectual property investigation, intellectual property rights protection, economic intelligence, product research, anti-fraud investigation, competitive product research and various commercial investigations related to corporate business development etc.

Private Detectives and Commercial Investigation Companies

In China, commercial investigation companies are frequently confused with private detectives, however, there is a distinction between commercial investigation companies and civil investigative agencies (i.e. private detectives). The general public understanding is that services provided by private detective agencies refers to civil affairs investigation projects commissioned by the private individuals. Meanwhile, commercial investigation companies mainly undertake commercial affairs investigation projects entrusted by enterprise units and social organizations. This distinction is also the reason that the professional commercial investigation companies do not typically call themselves private detectives.

The use of secretly obtained evidence within Chinese courts has evolved in recent years. As early as 1993, the Ministry of Public Security of the People's Republic of China issued the *"Notice on Banning the Establishment of Private Agencies of the Nature of Private Detectives."* This notice forbids any unit or individual to establish various forms of "Civil Affairs Investigation Institute," "security affairs Investigation Institute," and other private detective agencies. Contrary to this, in April 2002, the Supreme People's Court issued *"Some Provisions on Evidence in Civil Procedure."* The judicial interpretation changed the previous provisions that the court would not adopt any evidence that was secretly photographed and secretly recorded by the parties. It clearly permitted audio-visual materials secretly taken and recorded to be used as evidence. Except for

'The judicial interpretation changed the previous provisions that the court would not adopt any evidence that was secretly photographed and secretly recorded by the parties. It clearly permitted audio-visual materials secretly taken and recorded to be used as evidence.'

the two situations of legal prohibitions and infringement on the legitimate rights and interests of others, the audio-visual materials can enter the court and be used as direct evidence. In addition, *“Several Provisions of the Supreme People's Court on Evidence in Civil Procedures Involving Intellectual Property Rights”* was implemented on November 18, 2020. Article 7 indicates that silent evidence collection is allowed in instances of known or suspected intellectual property rights infringement. For instance, a rights holder is permitted to collect evidence to uncover or prove intellectual property rights infringement, and is also permitted to entrust another to do so. This indicates that in the judicial level of intellectual property protection, China does not object to entrusting a third party to carry out commercial investigation services before litigation.

With China's plan to enact the personal information security law, the *“Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Civil Cases Involving Infringements upon Trade Secrets”* implemented in September 2020, and the *“Measures for the Administration of Foreign-related Investigation”* implemented in October 2004, commercial investigations and private detective services in China have become increasingly challenging.

Generally, there is a low barrier to enter into the private detective industry. Industry challenges include a small number of private detectives who lack awareness of the conduct code. In the interest of profit and client satisfaction, they illegally access private information, and even use methods that violate business morals to complete the requirements of the assignment. In such instances, the evidence cannot be recognized in the court, and generally results in tort litigation for their end client, due to the violation of the relevant laws and regulations.

Most of the commercial investigation companies cooperate with

accountants, large enterprises, and multinational enterprises, with strict risk control mechanisms. Besides the corresponding foreign investigation qualification and enterprise registration procedures, many commercial investigation companies are also members of WAD, CII, ACFE and other organizations, full of industry experience, high ethical standards, and professional legal knowledge.

Economic Development Brings Challenge and Change to Commercial Investigations in China

With China's economic development in recent years, a large number of multinational enterprises and China's large and medium sized enterprises may conduct internal audits and encounter problems in areas such as credit investigation, intellectual property investigation, intellectual property rights protection, economic intelligence, product research, anti-fraud investigations and competitive product investigation, trade secrets, employees' enrollment, loss of property, violation on employee non-competition, internal corruption, etc. They often don't know how to deal with the problems correctly. Most of them turn to the external corporate legal advisers or external lawyers, who usually solve the above problems through civil litigation or even criminal reports. The litigation requires clear facts for the evidence presented, however, at the beginning of the discovery of the problem, the clear evidence requirements often make it impossible for companies to start, resulting in the failure of the litigation to proceed smoothly and even at a disadvantage in the litigation. The criminal procedure requires the uniqueness of criminal evidence. In the face of such evidence standards, public security agencies are often very cautious in accepting cases involving this type of case, making the process of accepting cases very complicated.

In 2015, the Chinese government began to develop big data applications. At present, most companies and litigation data can be

inquired through the relevant government websites or by entrusting third-party companies. For example, the basic information of Chinese enterprises can be queried on the national enterprise credit information publicity system. Some of the query channels are listed as follows:

1. Name : National Enterprise Credit Information Publicity System

Web : <http://www.gsxt.gov.cn/>

Advantage : The basic information of Chinese enterprises can be queried

2. Name : Companies Registry Cyber Search Centre (ICRIS)

Web : <http://www.icris.cr.gov.hk/csci/>

Advantage : Free inquiry of enterprise name and other information

3. Name : The Supreme People's court "China Judgement Online"

Web : www.court.gov.cn/zgcpwsw <https://wenshu.court.gov.cn/>

Advantage : Check the public judgment documents of courts at all levels free of charge

4. Name : China Judicial Process Information Online

Web : <https://splcgk.court.gov.cn/gzfwww/ktgg>

Advantage : Inquire about the hearing notice of some courts at all levels free of charge

5. Name : "Bzquest" Market research platform

Web : <https://www.bzquest.com/>

Advantage : Online entrust the commercial investigation companies in China to carry out on-site investigation

6. Name : Shujuling Enterprise Information Inquiry

Web : www.shujuling.com

Advantage : Including judgment documents, court notice, Hong Kong companies, financial status of the company and other comprehensive data

In 2020, the coronavirus epidemic broke out globally, and countries have adopted corresponding travel restrictions and other measures in accordance with epidemic prevention and control requirements. Many industries cut staff and adjusted budget expenditure, including the budget expenditures for corporate business investigations and corporate intellectual property protection investigations. Therefore, the enterprises can conduct convenient preliminary online investigations through the aforementioned Chinese government or third-party websites to complete preliminary evidence collection. When further investigations are needed to obtain evidence, the enterprises can consider entrusting investigators from all over China to assist in the filed investigation through "Bzquest", the China's market research platform, so as to reduce the travel cost and the impact of travel inconvenience.

In 2020, China joined the RCEP and took the lead in controlling coronavirus epidemic in the mainland. It can be expected that China's economy will further develop in the future, and it will inevitably bring more enterprises' demand for commercial investigation and private detective services.

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THE BOONS OF BEING A GENERALIST

ESPECIALLY WHEN CONDUCTING INVESTIGATIONS DURING A PANDEMIC

by Jennifer Mackovjak of 221B Partners

In his 2019 book *Range*, journalist and author David Epstein makes the case for generalists in a world dominated by specialists. Epstein, a sports journalist, contrasts the upbringings and backgrounds of the generationally dominant figures in golf and tennis: Tiger Woods, who was groomed for greatness, and Roger Federer, who played many youth sports and even resisted advancement in tennis so he could stay in a group with his friends. The successful practice of investigative research is in much the same way predicated on a diverse, generalist skill set and profile and

positions practitioners to better serve their clients by bringing a broader array of abilities to the task of answering their questions and solving [or mitigating] their problem. There will still be plenty of times a subject-matter expert (such as in the fields of forensic accounting, anti-money laundering, cryptocurrency or digital forensics and data recovery) will be absolutely necessary in an investigation, but the generalist will know if, when and what type expert is needed. Here are a few examples from 2020 that many business lawyers and other practitioners likely can relate to or learn from. They illustrate how being a generalist can get the case on the right track from the outset.

"I need a cyber expert," said one client. As any business lawyer can relate, the approach to your client's case depends in large part not only on the information the client provides at the onset, but the details you are able to draw out during an initial intake call. What clients "think" they need often isn't what they really need. Generalists who are highly skilled and seasoned are quickly able to ascertain the client's real need. Inquiring about a "cyber expert" is like saying one needs "a lawyer." Each of these professions has many specialty areas. After listening to our client, it turned out she didn't need a cyber expert, but was instead in need of assistance in 1) identifying the sender of an anonymous – and threatening – email; and, 2) conducting a threat assessment to learn more about the sender's personal and professional background, past behaviors, life situation and "red flag" issues.

"We need to **conduct an internal investigation and interview** employees and other stakeholders in-person," said a corporate client recently. In any other year, an investigative team

would hop in a car or get on a plane and head to the client site. But, this is 2020. Delaying an investigation comes with a slew of drawbacks and downsides, so this case required much more in the way of planning, staffing, and logistics for the health and safety of all involved. The most crucial decision was to determine which interviews were necessary to conduct in person, and which could be done remotely. Of the remote interviews, who can we talk to by phone and whom should we schedule on video. And, how do we as interviewers assess a witness' or suspect's credibility if he or she is wearing a mask and sitting six or more feet away? These are the considerations du jour, while an in-person interview is preferable and often the best way to obtain information, there are often subjects who are providing less critical or important information who can be interviewed in a remote context.

“Our legal team **needs a copy of [a police report, a vehicle title, court filing] ASAP** to use in a court proceeding,” said numerous clients. These days, not much is happening ASAP, especially when it comes to getting copies of records when they aren't available online and the agency that has the record is closed to the public. A generalist understands both the array of public records available, and where they are housed and will know how to get them as quickly as possible by not simply accepting the agency is closed to the public but trying one or more ways simultaneously to see what might work the quickest. While email has displaced the phone for so much business communication, 2020 ought to remind us what an invaluable instrument for every investigator the telephone is. A polite call to a court clerk accompanied by a bit of persistence can yield – yes! – a faxed copy of a record which otherwise can't be emailed. The generalist might also know that the information could come from either the tax assessor or the county recorder. Maybe someone already posted a copy of the court filing online on her social media feed? Or, perhaps submitting a FOIA request to a police department might get you a copy of the police report quicker than the one in the criminal court file gathering dust in the closed courthouse.



There are myriad examples why being a generalist in investigations – and many fields – is beneficial. A generalist is not an inexperienced newbie but instead one with years of professional experience and expertise, with a broad reaching yet deep skillset across a variety of areas. What you get with a generalist is someone who has the foresight on how to handle a situation, who can predict the next obstacle and who is equally at ease talking to a CEO or the tax assessor in a tiny town. She can also conduct an investigation and source interviews across multiple countries, find and forensically capture social media posts of interest, weed out dozens of civil litigation namesake matches (of, say, Michael Smith in Chicago), run a surveillance operation, and cogently summarize press findings on some esoteric topic like fracking. And, these days she can take receipt of copy of an order of protection from a court clerk giving second life to the fax as a communications tool. And, if she can't do those things, she knows who can.

Jennifer is a member of both CII and ABL. This article originally appeared in ABL's quarterly newsletter, which you can subscribe to here.