

## Akana K. J. Ma

Portland, OR  
Shareholder

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### **Areas of Practice & Industry Specialties**

Corporate Law; Intellectual Property Law; Privacy and Data Security;  
Technology Law



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Mr. Ma is a Shareholder in Buchalter's Portland office and a member of the Firm's Corporate Practice Group. Mr. Ma works with clients conducting business in the global marketplace to structure effective and efficient transactions; comply with U.S. and foreign laws and regulations; transfer and protect data and technology, intellectual property, and software; negotiate contracts for the sale and distribution of products and services; and establish foreign offices and manufacturing facilities.

He has practiced international business and trade law for more than 30 years. Mr. Ma is a member of the District Export Council for Oregon and Southwest Washington, a U.S. Department of Commerce-appointed group that advises the U.S. government on international trade issues and advises clients about a variety of export issues.

### Exports

As to export matters, Mr. Ma counsels clients on compliance with U.S. and foreign export controls, embargoes, anti-bribery, and shipping laws and regulations governing commercial and military products, technical data, and services. His advice to clients includes classification, proper handling, and licensing of commercial and military products. He is continually involved with establishing and auditing export controls compliance programs for a wide spectrum of companies and industries, including manufacturers and contractors in aerospace, electronics, advanced materials, and emerging technologies. In addition, he is frequently consulted when voluntary disclosures and remedial measures are needed and U.S. government filings and approvals are required. This involves navigating and translating the complex and interlocking rules in the U.S. Export Administration Regulations ("EAR"), the International Traffic in Arms Regulations ("ITAR"), U.S. Customs and Border Protection, and the various country and sector sanctions administered by the Office of Foreign Assets Control ("OFAC"), and the U.S..

### Imports

As to import matters, Mr. Ma represents clients in antidumping and special tariff exclusion proceedings before the U.S. Department of Commerce and the International Trade Commission. In 2017 he headed a team that was successful in multiple petitions to exclude imported products from tariff surcharges. In 2018 – 2019, Mr. Ma advised clients on the impact of section 232 and section 301 special tariff surcharges and administrative means to seek and successfully obtain product exclusions from increased tariffs on products imported from European and Asian countries. As with exports, Mr. Ma may assist clients with classification of products under the Harmonized Tariff Schedule, valuation, marking and prior disclosures.

### Data Transfer and Privacy

As to data transfer matters, Mr. Ma advises clients on compliance with the EU General Data Protection Regulation ("GDPR") as well as the U.S – EU Privacy Shield Principles. This has implications for company policies and procedures, contracts with customers and subcontractors, as well as an in-depth review of

personal data privacy issues. In addition, he has advised U.S. and foreign clients regarding investment in the U.S. by foreign investors and the U.S. government CFIUS review process.

#### Government Contracting

Mr. Ma advises many government and defense contractors on various aspects of government contracting, including cooperative research and development agreements with agencies of the U.S. government, protection of intellectual property rights developed in the course of government-funded programs, and compliance with the Federal Acquisition Regulations and Defense Federal Acquisition Regulations.

Mr. Ma is also a founding member of Legal Counsel International, a global alliance of international lawyers and law firms helping clients engage in a wide range of international business transactions. Mr. Ma has been recognized by the Oregon State Bar as one of a handful of Oregon attorneys with in-depth experience in both international business transactions and international trade regulatory compliance.

Mr. Ma lectures widely at regional and national conferences on the subject of U.S. Export Controls compliance, U.S. Customs and import compliance, Foreign investment in the U.S. and the CFIUS review process, Anti-bribery compliance, International personal data protection, and the international protection of intellectual property.

#### Professional Activities

- U.S. Department of Commerce District Export Council for Oregon and Southwest Washington, 2007 to present
- American Bar Association, Division of International Law and Practice
- East-West Center Association
- International Bar Association
- Interpacific Bar Association
- Legal Counsel International
- Oregon State Bar, chair, International Law Section, 2010 to 2011; chair, Executive Committee, International Law Section, 2000
- Frequent lecturer for U.S. Department of State, U.S. Department of Commerce, and U.S. Small Business Administration on multiple trade compliance subjects, including: export controls, import and customs, anti-bribery, personal data protection, and government contacts

#### Community Activities

- Royal Scottish Country Dancing Society, Active Member, 2015 to Present
- Hood Ski Patrol 1999 to 2018, Director of Associate Apprentice Training, 2001 to 2004
- Oregon State Search and Rescue, Former Certified Member

#### Publications

- U.S. Exports and Encryption. *Oregon State Bar International Law Section Newsletter*. March 2005.
- Importers' Compliance with U.S. Laws. *Oregon State Bar International Law Section Newsletter*. March 2005.
- Helping Clients Succeed in International Trade. *Oregon State Bar Bulletin*. November 2002.
- Counsel's Role in the Export Sales Transaction – Harmonizing Competing Interests. *Oregon State Bar International Law Newsletter*. Volume XII, No. 1, 1998. *Pacific Northwest International Trade Association Trade Winds*. December 1997. *International Lawyer's Newsletter Kluwer Law*. Vol. XX, No. 1, 1998.
- Building an International Vision – In the Global Society (interview). *Boston College Law School Magazine*. Vol. 1, No., 2. June 1993.

## Presentations

- Speaker at EAR & ITAR Export Controls Summit, sponsored by U.S. Department of Commerce and Pacific Northwest Defense Coalition 2008 – Present
- Webinar, Pacific Northwest Defense Coalition, A Primer on U.S. Export Controls, July 2013.
- U.S. Foreign Corrupt Practices Act Compliance – Issues For Small and Big Companies – Presentation at the OSCP Business & Industry Conference. October 2010.
- Key Legal Topics For A Successful International Business – Presentation to the Association of Corporate Counsel, Portland Chapter. September 2010.

## Education

Mr. Ma earned his J.D. from Boston College Law School in 1984. He also attended Harvard Law School where he focused on East Asian Legal Studies. Mr. Ma earned his B.A. from Tufts University in 1979 *cum laude*.

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## Bar Admissions

- Oregon
- District of Columbia (inactive)
- Massachusetts (inactive)