



## International Arbitration

Cross-border disputes are ever more significant in international business.

International arbitration has increasingly become the preferred method of resolving such disputes, offering the benefits of greater flexibility, confidentiality and crucially, prospects for enforcement, than national court based litigation. The right advice in relation to incorporating optimum international arbitration agreements in commercial deals can pay dividends not only in terms of ultimate success if a full-blown dispute arises, but also in allowing for the negotiation and settlement of disputes from the strongest possible position. Given the multitude of options in terms of arbitral institutions, seat and governing law, it is often not straightforward to make the right choices in an arbitration agreement and therefore getting tailored advice from experienced international arbitration lawyers all the way from the contract drafting stage to the resolution of any disputes can be critical.

International arbitration offers flexibility in procedures and rules of evidence; flexibility as to who will determine the dispute; a greater ease of enforcement worldwide under international conventions; and increased levels of confidentiality and neutrality.

Our leading international arbitration practice has lawyers located worldwide. Many of our lawyers are acknowledged as leaders in the field of international arbitration and serve on the institutions that administer international arbitration across the world such as the ICC International Court of Arbitration, the American Arbitration Association, the Singapore International Arbitration Association and the London Court of International Arbitration.

Our global team has vast experience in conducting international arbitration including acting as counsel or sitting as arbitrator under all the major institutional and procedural rules, including those of the AAA, CIETAC, DIAC, HKIAC, ICC, ICSID, LCIA, Milan Chamber of Commerce, SCC, SIAC and UNCITRAL. The global reach of our team leaves us especially well placed to put together teams that speak the 'right language' - not just literally, but also in the sense of understanding first hand the key business, political and cultural issues that may be in play. We deliberately do not adopt a 'fly-in/fly-out' model but pride ourselves on our ability to put together teams with both international arbitration experience and an understanding of applicable local laws and

### KEY CONTACTS

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cultures.

We represent parties in international arbitrations arising in a broad range of industry sectors, including aviation, banking, construction, energy, insurance and reinsurance, international finance, international trade and investments, intellectual property, maritime, media and communications, technology and telecommunications.

We have extensive experience in handling arbitration disputes involving sovereign states, including claims brought under bilateral investment treaties (BITs) and multilateral investment treaties (MITs), such as the Energy Charter Treaty, involving the application of public international law as well as private law. In addition to our expertise in investment arbitration, we offer a range of dispute resolution and advisory services to government and corporate clients facing public international law issues. Our team of international law experts have advised states, multinational corporations and international organisations on issues such as boundary disputes, law of the sea, treaty negotiations, cross-border resource development, sanctions, and human rights law.

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## CAPABILITES

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- Advise on the management of risk through the drafting of arbitration agreements, including the selection of arbitration rules, choice of law and jurisdiction.
- Conduct arbitral proceedings.
- Enforce and resist the enforcement of arbitral awards worldwide.
- Litigate before domestic courts in connection with arbitration, including obtaining emergency injunctions and orders.
- Provide guidance on the incorporation of specific arbitration rules, choices of law and jurisdiction.
- Advise on the protection of investments through the application of BITs and MITs incorporating arbitration procedures.
- Advise on other effective dispute resolution mechanisms, such as alternative dispute resolution (ADR).
- Advise on the strategy for resolving complex international disputes, using legal and other pressure points to achieve overall objectives.
- Advise sovereign states on issues of public international law, such as law of the sea, land and maritime boundaries, and treaty interpretation.

## EXPERIENCE

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### Energy

- Representing Gazprom in a series of SCC arbitrations against the Ukrainian gas company Naftogaz involving multi-billion dollar claims relating to the supply, transit and pricing of gas.
- Representing an international crude oil trading company in English, Nigerian and Dutch proceedings against a major Nigerian importer of oil products relating to amounts owed for the sale and conversion of an oil tanker.
- Representing an oil and gas major in an English law London seated LCIA arbitration in respect of a significant gas pricing dispute.
- Representing a major Italian gas company in an ICC arbitration claim valued at USD 250 million concerning a gas pricing dispute in Libya in the context of changes in the European gas price market.

### Mining

- Representing the Republic of Guinea in its investigation of corruption in the acquisition of rights to one of the world's most important iron ore deposits, and defense of parallel multi-billion dollar ICSID arbitrations brought by the investor alleging expropriation of a mining concession and related rights. (BSG Resources Limited, BSG Resources (Guinea) Limited and BSG Resources (Guinea) SÀRL v. Republic of Guinea (ICSID Case No. ARB/14/22)).
- Successfully representing the Republic of Kenya in the defence of ICSID proceedings brought by an investor active in the mining

sector, Cortec. This claim was the highest value and most strategically important investment treaty claim Kenya has ever faced. (Cortec Mining Kenya Limited, Cortec (Pty) Limited and Stirling Capital Limited v. Republic of Kenya (ICSID Case No. ARB/15/29)).

- Representing CCX Colombia in an ICC arbitration concerning the sale of the largest coal reserves in Latin America.
- Successfully representing the Sultanate of Oman in the defense of the first ever claim brought under the US Oman Free Trade Agreement. The claims were valued at USD 275 million and arose out of various concession and lease agreements relating to mining rights. (Adel A Hamadi Al Tamimi v. Sultanate of Oman (ICSID Case No. ARB/11/33)).

## Life Sciences

- Representing a leading pharmaceutical company in ICC arbitration proceedings against a US biopharmaceutical company with respect to breaches of a licensing agreement for the development and sale of a medicinal product.
- Successfully representing a seed-stage venture fund partnering in the creation of medical technology companies and an international biotechnology company in an Orlando seated AAA arbitration against a US consulting services company arising from the breach by the latter of a license agreement with our client.
- Successfully defending a leading provider of innovative medical devices against a EUR 3.125m claim resulting from an acquisition in the Netherlands, and securing a full cost order for our client.
- Representing a US pharmaceuticals company as Respondent in an SCC arbitration involving a dispute over milestones in share purchase agreement related to commercial development of pharmaceutical drug.

## Banking

- Representing Lithuania in the defence of UNCITRAL arbitration proceedings brought by an investor in the banking sector.
- Acting for Standard Chartered Bank in both litigation in the Commercial Court in London and potential arbitration with a London seat under ICC Rules in relation to the recovery of over US\$130 million connected to the insolvency of a major middle eastern oil trader with far reaching repercussions.
- Acting for a major British bank against significant European financial institutions and a European State in claims arising from the takeover and restructuring of another major European bank in 2007.
- Acting for major British bank in an ICC arbitration in Paris in respect of EUR 135 million in relation to the restructuring of a consortium arrangement.

## Intellectual Property and Technology

- Acting for a subsidiary of a leading multinational conglomerate in a HKIAC arbitration against a Singapore-based subcontractor in relation to the disputes arising from the IT sub-contract package for a construction project in Saudi Arabia.
- Representing the privatised telecommunications operator in Albania in its defense of a EUR 120 million ICC arbitration relating to an Albanian law claim brought by a rival telecommunications operator regarding an interconnection agreement.
- Representing a major US software and hardware company in an AAA arbitration seated in London and related litigation proceedings brought in California and Delaware in relation to a dispute with a Swiss mobile software company regarding the unlicensed use of its intellectual property, breach of contract and copyright, and anti-competitive behavior.
- Representing a large Asian technology service provider in a NOK 1.2 billion institutional arbitration subject to Norwegian law concerning a long term comprehensive redesign of key communication services offered by a major European telecommunications company.

## Construction, Engineering and Infrastructure

For our arbitration experience in Construction, Engineering and Infrastructure please refer to the dedicated page.

## Investment Arbitration and Public International Law

- Representing Lithuania in the defence of UNCITRAL arbitration proceedings brought by an investor in the banking sector.
- Successfully representing the Republic of Kenya in the defence of ICSID proceedings brought by an investor active in the mining sector, Cortec. This claim was the highest value and most strategically important investment treaty claim Kenya has ever faced. (Cortec Mining Kenya Limited, Cortec (Pty) Limited and Stirling Capital Limited v. Republic of Kenya (ICSID Case No. ARB/15

/29)).

- Successfully representing Belgian investors in a multi-million dollar ICSID arbitration against the Republic of Madagascar relating to an investment in the textile manufacturing sector ((DS)2, S.A., Peter de Sutter and Kristof De Sutter v. Republic of Madagascar (ICSID Case No. ARB/17/18)).
- Successfully representing the Sultanate of Oman in the defense of first ever claim brought under the US Oman Free Trade Agreement. The claims were valued at USD 275 million and arose out of various concession and lease agreements relating to mining rights. (Adel A Hamadi Al Tamimi v. Sultanate of Oman (ICSID Case No. ARB/11/33)).
- Representing the Republic of Moldova in an ICSID arbitration brought under the bilateral investment treaty between France and Moldova. The Claimant sought damages in excess of USD 55 million for alleged mistreatment of investments in duty free stores on the Romania Moldova border and at the Chisinau airport. (Franck Charles Arif v. Republic of Moldova (ICSID Case No. ARB/11/23)).
- Representing the Republic of Timor Leste in ICSID proceedings brought by an investor in the energy sector. (Lighthouse Corporation Pty Ltd and Lighthouse Corporation Ltd, IBC v. Democratic Republic of Timor Leste (ICSID Case No. ARB/15/2)).
- Advising Timor-Leste on its strategy for securing maritime boundaries with Australia, including representing Timor-Leste in a case before the International Court of Justice and the first compulsory conciliation on maritime boundaries under the UN Convention on the Law of the Sea, resulting in an historic maritime boundary treaty with Australia. Currently advising a number of other countries on maritime boundary negotiations, and countries and companies regarding petroleum interests in disputed areas and strategies to overcome differences and obstacles to development.

## INSIGHTS

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### Publications

#### **Mexico's Hydrocarbons Law Reform Bill: A controversial new measure in the Mexican energy sector**

8 April 2021

The reform seeks to give Pemex the same monopoly control it had over the national market before the 2013 energy reform.

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#### **Paris Court of Appeal finds PCA lacked power to intervene in OIC investor-state arbitration**

6 April 2021

The decision of the Paris Court of Appeal casts uncertainty on arbitrations under the OIC Agreement for which the PCA Secretary-General has agreed to act as appointing authority.

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#### **Hong Kong Court declined to grant interim interim injunctions under Section 45(2) of the Arbitration Ordinance in the absence of any arbitration on foot**

30 March 2021

In the recent case of *Onwel Sales Limited v Skechers S.A.R.L. and Skechers Southeast Asia Limited* [2021] HKCFI 790, the Hong Kong Court of First Instance has refused to grant an interim interim injunction under Section 45(2) of the Arbitration Ordinance. In this case, the Hong Kong Court discussed some common issues in applications for injunctive reliefs in aid of arbitrations concerning shareholders'/ joint venture disputes.

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#### **Revised IBA Rules on the Taking of Evidence in International Arbitration**

17 March 2021

The International Bar Association has released its revised Rules on the Taking of Evidence in International Arbitration (**2020 IBA Rules**). The 2020 IBA Rules were formally adopted on 17 December 2020 and mark the first update to the rules since the 2010 edition

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(2010 IBA Rules). The revisions to the rules reflect developments in global arbitration practice, including the emergence of remote hearings and the growing need for data protection and confidentiality.

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## Australia

11 March 2021

This year the Australian courts continued to re affirm their pro enforcement approach to international arbitration awards. In two significant separate judgments, the Federal Court of Australia rejected attempted challenges to enforcement proceedings relating to an award made by an International Centre for Settlement of Investment Disputes (ICSID) Tribunal, and an award made by the China International Economic and Trade Arbitration Commission (CIETAC).

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## China

11 March 2021

There has been a long standing question as to whether foreign arbitration institutions can administer arbitrations seated in Mainland China under the current PRC Arbitration Law regime.

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## Hong Kong

11 March 2021

The Court of Final Appeal confirmed that the Court may grant relief beyond the scope of an arbitral award in a common law action.

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## Japan

11 March 2021

In *Prem Warehouse LLC, et. al v Sanyo Electric Co. Ltd. et. al., Osaka High Court Decision, 11 March 2019, 2017 (Ra) No. 1552*, the Osaka High Court dismissed a long running challenge to set aside an arbitral award arising from an arbitrator's failure to disclose potential conflicts of interest.

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## New Zealand

11 March 2021

This case relates to an appeal from a domestic arbitration under clause 5 of Schedule 2 of New Zealand's Arbitration Act 1996, which allows the Court to intervene in instances where there is an appeal on the basis of a question of law.

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## Singapore

11 March 2021

In this case, the Court of Appeal clarified that a party's right under Article 18 of the UNCITRAL Model Law on International Commercial Arbitration (Model Law) to a 'full opportunity' of presenting its case is not unlimited and provided guidance on the correct

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approach to alleged violations of due process by the Tribunal.

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## South Korea

11 March 2021

In a Decision of the 33rd Division of Civil Affairs of the Seoul High Court (2018 Na 10878) 20 August 2019, an appellate court in Seoul ordered enforcement of an ICC award in favour of a foreign investment company fund against a government funded corporation following a remand by the Supreme Court in 2016 that the relevant arbitration agreement was valid.

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## Thailand

11 March 2021

In 2020, Chevron resumed its USD2 Billion arbitration claim against Thailand in relation to a retroactive 2016 Thai law which requires gas field operators to pay for costs of decommissioning installed assets. The Arbitration proceedings were on hold for one year to permit Chevron to negotiate directly with the Energy Ministry.

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## Asia Pacific Arbitration Roundup 2020

8 March 2021

Welcome to the second edition of our Asia Pacific Arbitration Roundup and our third regional arbitration publication.

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## Reform to the Electric Industry Law: a new risk for energy projects in Mexico

10 March 2021

Foreign investors involved in energy projects in Mexico may wish to consider their rights and potential remedies under applicable investment treaties.

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## Investment protection falls victim to Brexit - Analysis of the EU-UK Trade and Cooperation Agreement

26 January 2021

On 1 January 2021, the Trade and Cooperation Agreement concluded between the EU and the UK (the TCA) entered into force. The TCA marks the end of a controversial Brexit process and sets out the framework for trading relations going forward.

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## India Update: Arbitration and Conciliation Ordinance (Amendment), 2020

1 December 2020

On 4 November 2020, the President of India promulgated the Arbitration and Conciliation (Amendment) Ordinance, 2020 (**Ordinance**), which amends sections 36 (Enforcement) and 43-J (Norms for accreditation) of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**). The Ordinance also omits the eighth schedule of the Arbitration Act, which deals with qualifications and experience of arbitrators.

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## Current trends in investor state disputes in the telecommunications sector

9 November 2020

The telecommunications sector is one of the fastest growing sectors globally, and has played a critical role during the on-going Covid-19 pandemic in keeping the world interconnected. The high levels of activity in this sector have given rise to a corresponding increase in telecoms-related #disputes, including under investment treaties.

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## Asia Pacific Arbitration Virtual Hearings

2 November 2020

### [VIRTUAL HEARINGS](#)

In this edition, we take an in-depth look at the various procedural rules and guidance on virtual/online hearings published by major arbitration institutions within the Asia Pacific region and the practical aspects of virtual hearings being carried out in the region.

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## Argentina: The year in review

26 October 2020

The last year has been a time of significant change in Argentina, including for international arbitration.

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## Brazil: Will COVID-19 mean more arbitrations against public entities?

26 October 2020

Recent legislative initiatives have created greater certainty for potential and existing parties looking to do business with Brazilian states or their instrumentalities.

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## Canada: Third-party litigation funding, enforcement of arbitral awards, admissibility of fresh evidence during court review

26 October 2020

Three recent decisions.

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## Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

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## Peru: Top developments in international arbitration

26 October 2020

Major arbitration-related developments and cases recently decided in Peru.

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## Puerto Rico: Legal and practical aspects of international arbitration

26 October 2020

Parties benefit from this legal framework to solve their disputes when conducting business in Puerto Rico.

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### **Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A**

26 October 2020

Contributors from the US, Mexico and Canada discuss several key considerations.

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### **US: Four significant developments in arbitration case law**

26 October 2020

US-style discovery; compelling arbitration on the basis of equitable estoppel; class-wide arbitration when the arbitration agreement is ambiguous; ongoing use of the US DDCC for ICSID award enforcement.

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### **USMCA investor-state dispute settlement provisions: Key differences for Mexico**

26 October 2020

For ISDS claims, only after the local litigation requirement is fulfilled or 30 months have elapsed may certain substantive claims be brought against a state.

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### **Venezuela: Recent, significant commercial arbitration developments include several Supreme Tribunal cases**

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

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### **Update: The Singapore Mediation Convention and Enforcement of Settlement Agreements in India**

13 October 2020

The Singapore Mediation Convention, formally known as the United Nations Convention on International Settlement Agreements Resulting from Mediation, came into force on 12 September 2020. The Convention provides a uniform, efficient framework for the recognition and enforcement of mediated settlement agreements that resolve international, commercial disputes – akin to the framework provided by the 1958 New York Convention for arbitral awards. As of 12 September 2020, the Convention has 53 signatories including the United States, China and India.

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### **Revised ICC Rules in effect from 1 January 2021**

9 October 2020

A new version of the ICC Arbitration Rules will come into effect on 1 January 2021 (**2021 ICC Rules**), replacing the 2017 Arbitration Rules. The updated rules were formally adopted on 6 October and intend to increase efficiency, flexibility and transparency, making ICC Arbitration more attractive to complex arbitrations on all scales.

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### **Recent Breakthroughs for Foreign Arbitration Institutions in China**

5 October 2020

On 7 September 2020, the State Council has further published the "Work Plan for Deepening Comprehensive Pilot and New Round of Opening-Up of Services Sectors in Beijing and Building Comprehensive Demonstrative Area of Opening-Up of State Service Sectors"

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further allowing foreign arbitration institutions to provide arbitration services in Beijing.

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## **Online Arbitration Hearings: A review of key developments in response to COVID-19**

28 September 2020

### **VIRTUAL HEARINGS**

In this second report, we focus on arbitration and look at how arbitral institutions have adapted in response to COVID-19. We draw out some of the key legal as well as practical challenges faced, and we offer some observations on what the future may look like.

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## **The landscape after Bresco: John Doyle Construction Ltd v Erith Contractors Ltd**

21 September 2020

The Supreme Court's decision in *Bresco v Lonsdale* has been hailed by some as opening the floodgates to adjudications by insolvent companies. But as a series of recent judgments show, there remain a number of obstacles that will need to be overcome by insolvent entities seeking to enforce an adjudication award.

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## **New amendments to Singapore's International Arbitration Act**

15 September 2020

A bill has been tabled in the Singapore parliament introducing amendments to the International Arbitration Act (IAA). According to the Singapore Ministry of Law, the amendments are aimed at enhancing Singapore's status as an international commercial arbitration hub, and strengthening the state's legal framework for international arbitration.

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## **English High Court allows rare appeal of arbitral award on point of law**

21 August 2020

The recent decision of *Tricon Energy Ltd v MTM Trading LLC* [2020] EWHC provides a rare example of the English High Court allowing an appeal against the decision of an arbitral tribunal on a point of law.

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## **New Rules for a New Normal: The LCIA announces changes to its Arbitration Rules and Mediation Rules**

14 August 2020

On 11 August 2020, the LCIA released an update to its LCIA Arbitration Rules and LCIA Mediation Rules (the "Rules"). The updates to the Rules will become effective on 1 October 2020, marking six years since the arbitration rules currently in force came into effect.

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## **The end of Intra-EU BITs. Now what?**

4 August 2020

In this second article, we will explore in more detail the fate of pending intra-EU arbitrations affected by the termination treaty and how States and claimants should deal with these arbitrations.

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## **Court of Appeal confirms mining company is not liable for human rights abuses in Sierra Leone**

17 July 2020

Earlier this year, the Court of Appeal handed down its judgment in the case of *Kalma v (1) African Minerals Limited, (2) African Minerals (SL) Limited and (3) Tonkolili Iron Ore (SL) Limited*. In this case review, we consider the Court's findings in relation to (i) accessory liability and (ii) companies' duty of care when operating abroad.

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### **Global Class Actions Briefing: Major developments in European consumer protection laws: Product safety and consumer class actions in Europe**

15 July 2020

The EU's proposals for a revised EU General Product Safety Directive (the GPSD) and the EU's deal for a Collective Redress Directive (the CRD) point the way to a future of heightened novel risk in Europe of collective redress or, as these claims are popularly known, "class actions".

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### **GAR - The Asia-Pacific Arbitration Review 2021 - Third Party Funding in the Asia-Pacific**

14 July 2020

Third-party funding regimes in the Asia-Pacific region is evolving rapidly in recent years. In general, the trend shows that third-party funding regimes in the region usually take a light touch and a self-regulating approach, focusing on regulating third-party funders, managing conflict of interests, governing the disclosure of the third-party funding arrangement and preventing undue control or influence by the third-party funder in the arbitration.

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### **One less gadget in the arbitration toolbox: International and offshore arbitrations are not entitled to US discovery in aid of foreign proceedings**

13 July 2020

A ruling that is highly relevant to the private funds and offshore dispute practice areas.

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### **A successful s67 challenge: Silence did not confer authority to enter into an arbitration agreement**

7 July 2020

The case *MVV Environment Devonport Ltd v NTO Shipping GmbH & Co. KG MS 'MV Nortrader'* was one of the few successful challenges to an arbitral award which we have seen before the English courts in recent years.

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### **DC Circuit issues opinion on sovereign immunity defenses to the enforcement of arbitration award against foreign states**

1 July 2020

Foreign states might not only be able to rely on the doctrine of sovereign immunity to protect themselves from final judgments, but also to avoid the burdens of litigation itself.

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### **A jurisdiction too far: The English Commercial Court declines to continue freezing injunctions in support of foreign and English seated arbitrations**

26 June 2020

In *Petrochemical Logistics Ltd & Axel Krueger v PSB Alpha AG & Konstantinos Ghertsos*, the English Commercial Court declined to continue two freezing injunctions against the Defendants in support of both a London-seated LCIA arbitration and a Swiss-seated arbitration.

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## Top five factors for firms to consider when conducting remote investigations: new realities?

8 June 2020

The COVID-19 pandemic has forced many businesses to overhaul their working practices, as normal modes of working once taken for granted. These new modes of working raise novel practical issues with traditional investigative methods such as document collection/review and interviewing witnesses.

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## Just deserts: English court grants conditional anti-suit injunction on “quasi-contractual” basis

5 June 2020

Times Trading Corporation v National Bank of Fujairah (Dubai Branch), the English Commercial Court granted an anti-suit injunction (ASI) restraining the National Bank of Fujairah (Dubai Branch) (NBF) from pursuing Singaporean court proceedings. The judgment contains a helpful summary of general principles applicable to “contractual” ASIs.

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## LCIA annual casework report shows continued growth and diversity in both its caseload and its choice of arbitrators in 2019

25 May 2020

On 19 May 2020 the LCIA published its annual casework report for 2019. The report provides a useful summary of trends in the LCIA caseload during last year, and demonstrates the global nature and variety of disputes referred to the LCIA, in particular the continued increase in the international appeal of the LCIA.

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## Virtual hearings report

14 May 2020

### [VIRTUAL HEARINGS](#)

This document presents the first global, empirical study on the use of virtual hearings during the COVID-19 confinement. This just one in a series of paradigm shifts that will affect the disputes market.

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## State defences to investment claims arising from COVID-19

29 April 2020

In response to the COVID-19 pandemic, States have been taking emergency measures to limit the impact of the virus. In our first article, we considered whether these emergency measures could give rise to claims by foreign investors for breaches of international law.

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## COVID-19: ¿Una base legítima para reclamos de inversión?

21 April 2020

Si las medidas tomadas por diferentes estados en respuesta a COVID-19 podrían representar una base legítima para potenciales reclamos en virtud de los tratados bilaterales de inversión.

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## COVID-19 – a legitimate basis for investment claims?

16 April 2020

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This article considers whether measures taken by States in response to the COVID-19 pandemic could provide a legitimate basis for claims under bilateral investment treaties (BITs) or other investment protection instruments, and identifies some of the defences that may be available to States.

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### **The English Court of Appeal confirms that a non-signatory can enforce an arbitration agreement under common law agency**

10 April 2020

In the case of *Filatona Trading Ltd and Ors v Navigator Equities Ltd and Ors*, the English Court of Appeal recently upheld the decision of the English Commercial Court, finding that a disclosed and identified principal was entitled to rely on a contract entered into by their agent, including the arbitration agreement contained in that contract.

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### **English courts release latest statistics on arbitration related applications**

7 April 2020

On 27 February 2020, the English Commercial Court (the Court) published its annual report for 2018-2019 (the Report). The Report confirms that despite the relatively high number of arbitration related applications handled by the Court, the Court rarely allows challenges to arbitral awards. The statistics reinforce the view that England remains an arbitration friendly jurisdiction and that the Court is reluctant to interfere in the arbitral process.

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### **The Court of Appeal broadens the Courts' powers in aid of arbitration**

7 April 2020

The Court of Appeal has handed down its judgment in *A v C*, in which it has confirmed that section 44(2) of the Arbitration Act 1996 gives the English Court jurisdiction to make orders against non-party witnesses for the taking of evidence in aid of foreign or domestic arbitrations.

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### **Ethiopia Ratifies the New York Convention**

24 March 2020

On February 13, 2020 the Ethiopian Government approved the ratification of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, commonly known as the New York Convention. In doing so, Ethiopia becomes the 33rd African and the 162nd international State to sign the New York Convention.

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### **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

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### **Asia Pacific Arbitration Roundup 2019**

12 March 2020

Welcome to the first edition of our new Asia-Pac Arbitration Roundup.

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## **Singapore deposits instrument of ratification for the Singapore Convention**

5 March 2020

Ambassador Satyendra Prasad of Fiji became the first two countries to deposit their instrument to ratify the Singapore Convention (also known as the United Nations Convention on International Settlement Agreements Resulting from Mediation).

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## **ADGM Courts issue first arbitration-related judgements**

3 March 2020

2019 saw the Abu Dhabi Global Market Court (ADGM Court) publish two arbitration-related judgments, the first published since its launch in December 2018. The first case related to the validity of an ADGM arbitration agreement (A3 v B3 [2019] ADGMCFI 0004) and the second related to the recognition and enforcement of a New York Convention award in the ADGM (and included an insight into the court's approach to the "conduit jurisdiction" question) (A4 v B4 [2019] ADGMCFI 0007).

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## **Update: The Hague Rules on Business and Human Rights Arbitration**

18 February 2020

The recently released Hague Rules on Business and Human Rights Arbitration may assist and encourage the widening of the ambit of arbitration beyond commercial disputes to those concerning the effect of commercial activities on human rights.

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## **Novel coronavirus (2019-nCoV) – potential effects on international arbitration, sale of goods, shipping and shipbuilding (AsiaPac)**

10 February 2020

The current outbreak of novel coronavirus (2019-nCoV) is causing widespread concern. This article will discuss the potential impact on international arbitration, sales of goods, shipping and shipbuilding contracts.

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## **Construction delays arising out of the Novel Coronavirus outbreak (AsiaPac)**

7 February 2020

Since the first case of coronavirus was confirmed in Hong Kong in early February 2020, the government has imposed various measures in an attempt to contain the spread of the coronavirus. The resulting impact of the novel coronavirus is far-reaching and affects every industry and business in Hong Kong. This alert considers some of the key issues that construction contractors and developers in Hong Kong may face. If you need any specific advice, please contact May Ng or Sandy Au for further details.

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## **P v D arbitration claims under section 68 and 33 of the Arbitration Act 1996**

29 January 2020

The decision from the English Commercial Court highlights the consequences for parties if they fail to interrogate fully opponent witnesses on key points of evidence, and for Tribunals of issuing awards inconsistent with unchallenged evidence or predicated upon a case that has not been advanced.

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## **Brazil's new Franchising Law allows parties to settle their disputes by arbitration**

27 January 2020

The new framework aims to allow the expansion of franchising in Brazil through more legal certainty, transparency and simplification.

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## Genocide Case Against Myanmar in the ICJ

24 January 2020

The International Court of Justice (ICJ) yesterday delivered an historic Order for provisional measures with respect to the application brought by The Gambia against Myanmar for allegations of genocide.

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## Arbitrating climate change disputes

20 January 2020

Climate change is a high priority on the global political and business agendas. As States and private parties become subject to increasing regulation to limit carbon emissions, existing commercial relationships in a range of sectors will be affected, giving rise to the potential for disputes.

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## Updates on Interim Measures from the PRC Courts in Support of Hong Kong Arbitration

27 December 2019

On 16 December 2019, the HKIAC published information on its practice of processing applications under the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the Arrangement).

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## Arbitrators who were imprisoned in Peru have been released, but remain subject to significant restrictions on their freedom pending corruption investigations

5 December 2019

As has been widely reported, on 4 November 2019 the Peruvian Preparatory Investigation Court ordered the "preventative detention" of fourteen arbitrators who sat as arbitrators in cases between Odebrecht - the Brazilian construction company at the centre of the Operation Carwash corruption scandal in Brazil - and the Peruvian government.

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## The China International Commercial Courts confirms jurisdiction to rule on validity arbitration agreements

22 November 2019

The China International Commercial Courts (CICC) set up by the Supreme People's Court of China in June 2018 had recently published its first judgments confirming its jurisdiction to rule on validity of arbitration agreements and severability of arbitration agreements. This article provides an update on the latest development.

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## *Sit Kwong Lam v Petrolimex Singapore Pte. Ltd*

20 November 2019

The Hong Kong Court of Appeal was again asked to consider the correctness of the controversial approach adopted in the case of *Lasmos Limited v. Southwest Pacific Bauxite (HK) Limited (2018)*. This article provides an update and guidance on issuing statutory demands and commencing insolvency proceedings for debt recovery in Hong Kong.

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## Interim Measures now available for Hong Kong arbitrations from the PRC courts

21 October 2019

On 1 October 2019, the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the Arrangement) came into force. This is a significant development because interim measures are now available in the PRC for arbitrations seated in Hong Kong.

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## **Brazilian federal government issues decree regulating arbitration in disputes between Public Administration and transport and logistics sectors**

1 October 2019

The Brazilian federal government recently issued a decree regulating arbitration of disputes involving the Public Administration and relating to infrastructure projects – ports, roads, railways, waterways and airports.

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## **US courts affirm expansive discovery under 28 U.S.C. § 1782**

29 SEP 2015

There is increasingly clear consensus among US courts giving § 1782 expansive reach.

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## **Events**

### **Previous**

#### **Global International Arbitration Training Day 2020 – Disputes arising from Sino-US tensions**

29 October 2020  
Webinar

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#### **Online hearings: balancing justice and efficiency for clients**

20 July 2020  
Webinar

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#### **DLA Piper Global Vis Pre-Moot 2020 St Petersburg**

10-11 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
St Petersburg

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#### **CIArb Australia Vis Pre-Moot hosted by DLA Piper**

5-6 March 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Melbourne

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#### **DLA Piper Global Vis Pre-Moot 2020 Frankfurt**

4 March 2020

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DLA Piper Global Vis Pre-Moots Series 2020  
Frankfurt

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#### **DLA Piper Global Vis Pre-Moot 2020 Rio de Janeiro**

13-14 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Rio de Janeiro, RJ

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#### **DLA Piper Global Vis Pre-Moot 2020 São Paulo**

13-14 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
São Paulo, SP

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#### **The Seventh International Pre-Moot Amsterdam**

6-9 February 2020  
DLA Piper Global Vis Pre-Moots Series 2020  
Amsterdam

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## **NEWS**

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#### **DLA Piper launches Aiscension to help detect and prevent cartel activity in collaboration with Reveal**

15 March 2021

- New offering delivers cutting-edge technology from *Reveal* alongside DLA Piper's first-class legal know-how
  - Time and cost savings allow for companies to focus on detection
  - Faster, more effective and better value than traditional technology assisted and manual reviews
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#### **DLA Piper helps CAPE win High Court claim for seller misrepresentation**

9 February 2021

DLA Piper has advised China Agri-Products Exchange Ltd, a company listed on the Hong Kong Stock Exchange, on a complex cross border litigation heard in the High Court of Hong Kong.

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#### **DLA Piper strengthens North Asia Arbitration offer with new partner hire**

13 January 2021

Global law firm DLA Piper today announces that Tony Andriotis has joined the firm in its Tokyo office as a partner to lead the International Arbitration practice in Japan.

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## **DLA Piper wins TMT Finance M&A Global Telecom Deal of the Year**

8 December 2020

DLA Piper is pleased to announce that they have received the TMT Finance M&A Global Telecom Deal of the Year for their representation of T-Mobile and Deutsche Telekom in the T-Mobile-Sprint merger.

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## **'Industry standard' for use of arbitration platforms moves a step closer as pan-firm collaboration receives support**

30 November 2020

Plans to standardise the approach to online case management in international arbitration are a step closer to reality, after a draft protocol received positive feedback from an industry-wide consultation.

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## **DLA Piper arbitration practice recognized as world leading by Global Arbitration Review**

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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## **DLA Piper boosts financial services litigation capability with partner hire in Australia**

6 July 2020

Global law firm DLA Piper announces that financial services dispute resolution and class actions lawyer Matthew (Matt) Spain has joined the firm, effective today.

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## **Law firms collaborate on industry first to accelerate tech adoption in international arbitration**

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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## **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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## **DLA Piper hires new partners in Australia**

23 April 2020

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Global law firm DLA Piper today announces that leading tax disputes partner Paul McNab and litigation lawyer John Fogarty will be joining the firm in May.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper appoints Head of Global Government Affairs team**

6 March 2020

DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

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### **DLA Piper senior associate Wincen Santoso admitted as a Fellow of the Chartered Institute of Arbitrators (CI Arb), the United Kingdom**

17 December 2019

DLA Piper is pleased to announce that Wincen Santoso, an Indonesian and New York qualified senior associate in Singapore, has been admitted as a Fellow of the Chartered Institute of Arbitrators (CI Arb), the United Kingdom, a leading professional membership organization representing the interests of alternative dispute resolution practitioners.

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### **DLA Piper launches its Global Litigation Guide**

3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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