



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

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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

- 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

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

Publications

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.

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.

Argentina: The year in review

26 October 2020

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

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.

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

26 October 2020

Three recent decisions.

Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

Peru: Top developments in international arbitration

26 October 2020

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

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.

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.

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.

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.

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

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

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.

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.

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.

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.

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".

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.

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.

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.

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.

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.

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.

COVID-19 – a legitimate basis for investment claims?

16 April 2020

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.

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.

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.

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.

Asia Pacific Arbitration Roundup 2019

12 March 2020

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

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).

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).

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.

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.

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.

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.

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.

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).

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.

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.

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.

Modernisation of Sweden's Arbitration Act

26 MAR 2019

As of 1 March 2019, a number of changes have been made to the Swedish Arbitration Act (the Act) in an effort to modernise the Act. One significant change is that Swedish courts hearing challenge proceedings may allow oral evidence to be given in the English language, without translation to Swedish.

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.

Events

Previous

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

29 October 2020

Webinar

DLA Piper Global Vis Pre-Moot 2020 St Petersburg

10-11 March 2020

DLA Piper Global Vis Pre-Moots Series 2020

St Petersburg

CIArb Australia Vis Pre-Moot hosted by DLA Piper

5-6 March 2020

DLA Piper Global Vis Pre-Moots Series 2020

Melbourne

DLA Piper Global Vis Pre-Moot 2020 Frankfurt

4 March 2020

DLA Piper Global Vis Pre-Moots Series 2020

Frankfurt

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

DLA Piper Global Vis Pre-Moot 2020 São Paulo

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

The Seventh International Pre-Moot Amsterdam

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

DLA Piper Global Vis Pre-Moot 2019 (Madrid)

9 APR 2019
DLA Piper Global Vis Pre-Moots Series 2020
Madrid

DLA Piper Global Vis Pre-Moot 2019 (Paris)

8 APR 2019
DLA Piper Global Vis Pre-Moots Series 2020
Paris

DLA Piper Global Vis Pre-Moot 2019 (St. Petersburg)

27-28 MAR 2019
DLA Piper Global Vis Pre-Moots Series 2020
St. Petersburg

NEWS

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.

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.

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.

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.

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.

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.

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.

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.

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.
