



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

Kate Brown de Vejar

Partner
Mexico City
T: +52 55 5261 1886
kate.browndevejar@dlapiper.com

Michael Ostrove

Partner
Paris
T: +33 (0)1 40 15 24
94
michael.ostrove@dlapiper.com

Gitanjali Bajaj

Partner
Sydney
T: +61 2 9286 8440
gitanjali.bajaj@dlapiper.com

Alexander Brabant

Partner
Paris
T: +33 (0)1 40 15 25
65
alexander.brabant@dlapiper.com

Philip Chong

Partner
London
T: +44 (0)20 7153
7378
philip.chong@dlapiper.com

Henry Quinlan

Partner

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 as well as private law.

Dubai
T: +971 4 438 6350
Henry.Quinlan@dlapiper.com

Ernest Yang
Partner
Hong Kong
T: +852 2103 0768
ernest.yang@dlapiper.com

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).

EXPERIENCE

- Acting as lead counsel for Turkcell in a US \$2 billion expropriation case against the Islamic Republic of Iran arising from the loss of the first private nationwide GSM license.
- Advising on all relevant aspects of a multi-billion dollar dispute arising out of a shareholders' agreement related to the world's largest company in its sector, including two LCIA arbitrations (London seat) concerning shareholder rights in relation to three contracts together with related company and competition law issues.
- Representing a Central European country in an investment treaty arbitration and related international commercial arbitration under the UNCITRAL Rules involving US \$5 billion worth of claims arising out of the failure of one of the largest banks in the country.
- Representing a South-East European Government in its defence of a €250 million ICC arbitration dispute concerning a multi-billion Euro Project to design and construct more than 70 kilometres of commuter railway including a new tunnel and all associated infrastructure (including over 40 new railway stations).
- Representing a European gas seller in eight consolidated arbitrations under the Stockholm Charter of Commerce Rules relating to the supply, transit and storage of gas through Ukraine, resulting in securing an award that was the largest obtained in international arbitrations in 2010, according to American Lawyer Magazine.
- Acting for an Italian energy company in ICC arbitration proceedings regarding the re-negotiation of pricing in various long-term gas supply agreements.
- Representing the Government of Georgia in consolidated ICSID arbitration claims totalling more than US \$700 million under the Greece/Georgia and Israel/Georgia bilateral investment treaties and the Energy Charter treaty arising from a trans-Caucasus pipeline project.
- Representing Oman in the first claim totalling US \$500 million brought under the US-Oman Free Trade Agreement, arising out of a concession and lease agreements for mining rights.
- Representing a global energy company in ICC arbitration proceedings with seats in Paris and Milan, in relation to a US \$120 million dispute with a Middle Eastern LNG supplier under long-term gas contracts involving Libya and Norway in the context of the application of economic change of circumstance review provisions.
- Acting for a global telecoms business in LCIA arbitration proceedings brought by an Israeli company relating to a 3G telephony project conducted in Russia.

- Advising a Forbes Rich List family in relation to several high value disputes for the last two years, including a US \$1billion LCIA (India) arbitration seated in New Delhi, concerning a joint venture dispute involving 19 real estate projects in India, and a US \$400 million dispute involving parallel proceedings in the London Commercial Court, the Isle of Man Courts, the BVI Courts and five LCIA arbitrations seated in Singapore concerning real estate projects pursued in association with a London AIM-listed company.

INSIGHTS

Publications

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.

Take your 'Seat' - the relative merits of European arbitral seats

19 July 2019

On the 19th June 2019, DLA Piper hosted a debate at their London office on the relative merits of conducting arbitration proceedings in different European seats of arbitration.

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.

Russia's Supreme Court demonstrates a pro-arbitration approach

15 FEB 2019

On 26 December 2018, the Russian Supreme Court issued a review of Russian court practice relating to international and domestic arbitration, and the enforcement and recognition of awards (Review).

The Prague Rules: "Civil" War On The Evidence In International Arbitration

24 JAN 2019

Efficiency has been a buzzword in international arbitration for a number of years. In response to concerns expressed by users about perceived spiralling cost and delays, practitioners and institutions have been keen to take steps to ensure that international arbitration remains fit for purpose.

ICC update - Conduct of Arbitration

22 JAN 2019

On 1 January 2019, new updates to the Note to the Parties and Arbitral Tribunals on the Conduct of the Arbitration under the ICC Rules of Arbitration (the Note) became effective.

EU Member States issue a joint declaration on the legal consequences of the *Achmea* decision

18 JAN 2019

On January 15, 2019, the Member States of the European Union (EU) issued several declarations on the legal consequences of the *Achmea* decision on the regime of investment protection and, in particular, investment arbitration.

Inconsistent dispute resolution clauses - when should the "one-stop shop" give way to gravity?

27 DEC 2018

Where, in complex commercial arrangements, there is a multiplicity of agreements, problems associated with inconsistencies between them abound. That can have significant consequences, particularly where there is an inconsistency between dispute resolution provisions in different but related contracts.

APPs en América Latina: resolución de disputas a través de arbitraje inversor-estado

18 DEC 2018

Medidas de protección de la inversión pueden encontrarse en los contratos de APP, pero también en el derecho internacional.

The Standard ICC Arbitration Clause - Invalid in Russia?

29 NOV 2018

On 26 September 2018 the Russian Supreme Court upheld the decisions of two lower instances rejecting the recognition and enforcement of an ICC arbitral award in the *Dredging and Maritime Management SA v. InjTransStroy AO* dispute.

Ecuador reforms investment law

24 SEP 2018

On 21 August 2018, Ecuador took a major step in the promotion of foreign investment with the entry in force of the Ley de Fomento

Productivo (Law for the Promotion of Economic Development, or hereinafter the **Law**).

France

31 JUL 2018

The International Comparative Legal Guide to International Arbitration 2018 (15th Edition). A practical cross-border insight into international arbitration work.

European Union Overview

31 JUL 2018

The International Comparative Legal Guide to International Arbitration 2018 (15th Edition). A practical cross-border insight into international arbitration work.

The *Achmea* storm heads straight for Spain

4 JUN 2018

On 16 May 2018, the *Achmea v. Slovakia* decision was at the eye of the storm of two separate developments affecting Spain.

English Court takes firm stance on set aside

25 MAY 2018

A recent decision of the English courts has confirmed the high threshold they apply when considering applications to set aside arbitral awards.

African Arbitration Developments

24 MAY 2018

We are delighted to have published an overview of recent developments in African arbitration in conjunction with Global Arbitration Review.

Appeals under the English Arbitration Act 1996

11 MAY 2018

The English Commercial Court has released new figures giving an overview of the number of claims for appeal/challenge of arbitral awards brought under sections 68 and 69 of the Arbitration Act 1996 (the "Act") over the last three years; statistics confirm that challenges to arbitral awards in England are rarely successful.

The Dutch move to terminate intra-EU BITs following the *Achmea* decision

10 MAY 2018

The Netherlands has announced that it will seek to terminate its bilateral investment treaties (BITs) with Slovakia and other EU member states. The Dutch government's decision is an important step following the much anticipated ruling issued in March 2018 by the Court of Justice of the European Union (CJEU) in *Achmea v Slovakia*.

EU/Mexico trade deal to promote foreign investment

30 APR 2018

On 21 April 2018, the European Union and Mexico reached a deal on a novel trade agreement (the "EU-Mexico FTA").

Protección de inversiones en Latinoamérica: México da un paso adelante, y Venezuela sigue retrocediendo

7 MAR 2018

El acceso a mecanismos neutrales de resolución de disputas ha sido durante mucho tiempo un elemento clave del régimen de protección de inversiones de cualquier país.

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

Take your 'Seat' - a debate on the relative merits of European arbitral seats

19 JUN 2019

London

Through the looking glass - Finding the balance between transparency and confidentiality in international arbitration

7 MAY 2019

London

DLA Piper Global Vis Pre-Moot 2019 (Madrid)

9 APR 2019

DLA Piper Global Vis Pre-Moots Series 2019

Madrid

DLA Piper Global Vis Pre-Moot 2019 (Paris)

8 APR 2019

DLA Piper Global Vis Pre-Moots Series 2019

Paris

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

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

DLA Piper Global Vis Pre-Moot 2019 (Rio de Janeiro)

14-15 FEB 2019
DLA Piper Global Vis Pre-Moots Series 2019
Rio de Janeiro, RJ

DLA Piper Global Vis Pre-Moot 2019 (São Paulo)

14-15 FEB 2019
DLA Piper Global Vis Pre-Moots Series 2019
São Paulo, SP

DLA Piper Global Vis Pre-moot 2019 (Amsterdam)

8-10 FEB 2019
DLA Piper Global Vis Pre-Moots Series 2019
Amsterdam

NEWS

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 continues to boost CEE region capability with new hires in Poland

5 September 2019
DLA Piper today announces the appointment of eight new lawyers in its Warsaw office into three key practice areas of Corporate, Finance & Projects (F&P) and Litigation & Regulatory. These hires follow the recent appointment of corporate partners Marek Sawicki and Jakub Marcinkowski from CMS.

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 establishes Litigation Regulatory offering in Dublin with partner hire

18 APR 2019

DLA Piper today announces the appointment of Caoimhe Clarkin as a Litigation & Regulatory partner in the firm's Dublin office. This is the seventh partner hire for DLA Piper in Dublin this year.

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.

DLA Piper announces launch of Blockchain and Digital Assets practice

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

Kate Brown de Vejar joins DLA Piper as global co-chair of International Arbitration

22 JAN 2019

DLA Piper announced today that Kate Brown de Vejar has joined the firm's Litigation practice as a partner in Mexico City and New York.

International Arbitration lawyers selected by Who's Who Legal

7 Jan 2019

We are delighted that Who's Who Legal, a directory of the "foremost legal practitioners in business law, based upon comprehensive, independent research among general counsel and private practice lawyers worldwide," has selected fifteen DLA Piper lawyers for its latest edition covering arbitration and construction.

DLA Piper and IKM Advocates secure victory for the Republic of Kenya defeating a US\$2 billion ICSID claim

24 OCT 2018

In a decisive victory for the Republic of Kenya, DLA Piper and DLA Piper Africa member firm, IKM Advocates, have successfully defeated the claim estimated to be worth US\$2 billion in arbitration proceedings brought by a mining investor, Cortec Mining Kenya Limited. The claim was brought under the bilateral investment treaty (BIT) between the UK and Kenya dated 13 September 1999. The arbitration took place under the auspices of the World Bank's International Centre for Settlement of Investment Disputes (ICSID), with the hearing taking place in Dubai in January 2018. The Tribunal issued its award on 22 October 2018.

DLA Piper hosts inaugural Afghanistan-UK Business Conference

18 SEP 2018

DLA Piper's London office yesterday hosted the first Afghanistan-UK Business Conference, organised by the Embassy of the Islamic Republic of Afghanistan in London and the International Chamber of Commerce in Afghanistan. The event, aimed at further enhancing Afghanistan-UK bilateral business, trade and investment relations, was attended by over 100 participants including public and private sector leaders, potential investors, NGOs and consultants, amongst others.

DLA Piper's GTGA team named Sanctions Law Firm of the year 2018

27 JUL 2018

DLA Piper's Global Trade and Government Affairs (GTGA) team has been named Sanctions Law Firm of the year, Europe, at this year's WorldECR Awards.

DLA Piper hires financial services and insurance sector team in Belgium

2 JUL 2018

DLA Piper in Antwerp has today been joined by a team of financial services and insurance sector lawyers from Baker McKenzie.

DLA Piper secures victory for Transatel SA in landmark telecoms dispute

20 JUN 2018

DLA Piper has secured a victory for the French telecommunications service provider, Transatel SA, in a dispute under telecommunications law before the Federal Network Agency (BNetzA). In this landmark procedure, the BNetzA ordered the German mobile network operator, Telefónica Germany GmbH & Co. OHG, to submit a draft agreement regarding access to regulated wholesale roaming services to Transatel.

DLA Piper announces partnership promotions for 2018

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DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

DLA Piper Africa advises Adenia Partners on acquisition of controlling stake in Kanu Equipment Limited

23 MAR 2018

Kanu has been driving an expansion strategy across Sub-Saharan Africa in recent years and the business now operates in 13 countries, servicing the agriculture, construction and mining industries.

DLA Piper advises Timor-Leste on historic maritime treaty

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.

Four DLA Piper partners recognised in Jeune Afrique's Top 50 Lawyers in Francophone Africa 2017

20 FEB 2018

DLA Piper is delighted to congratulate Litigation & Regulatory partners Michael Ostrove and Alexander Brabant, Finance & Projects partner Eric Villateau, and Corporate partner Christophe Bachelet, on their inclusion in *Jeune Afrique's* Top 50 Business Lawyers in Francophone Africa 2017 rankings. This year, more DLA Piper lawyers than ever before have been awarded a place on the rankings, with partners scoring individual record rankings for the firm.

Businesses still not fully aware of Data Protection issues

31 JAN 2018

DLA Piper has released its second Data Privacy Snapshot report, finding that once again, company global privacy programs have gaps in meeting increasingly demanding global privacy principles. Significantly, it appears that many companies are falling short of data protection obligations under the General Data Protection Regulation (GDPR), which will start to apply from 25 May 2018.

Stephen Matthews joins DLA Piper's Litigation practice in New Jersey

17 JAN 2018

DLA Piper announced today that Stephen Matthews has joined the firm's Litigation practice as a partner in the Short Hills, New Jersey, office.
