



# JULIAN D M LEW QC

Arbitrator

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STREET

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Julian Lew has been involved with international arbitration for more than 30 years as counsel and as an arbitrator.

Professional expertise includes international transactions affecting investments, purchase and sale of corporate entities and assets, joint ventures, oil and gas exploration, development and production agreements, research and development and promotions of pharmaceutical and chemical products, mining and concession arrangements, distribution, agency, licensing and construction contracts, international trade finance, trading arrangements with developing countries, EC law and arbitration arising out of all such transactions.

He has advised parties with respect to arbitration proceedings and acted as counsel in many arbitrations, in different countries and under all the major arbitration systems including: International Chamber of Commerce, International Centre for the Settlement of Investment Disputes, London Court of International Arbitration, Stockholm Arbitration Institute, World Intellectual Property Organisation, Cairo Regional Centre for International Commercial Arbitration, Arbitration Court attached to the Economic Chamber of the Czech Republic, and ad hoc arbitrations under UNCITRAL Arbitration Rules and the Swiss Arbitration Rules.

Before 2005, he was a partner and for some years the head of the international arbitration practice group of Herbert Smith. He principally accepts appointment as arbitrator in international commercial and investment disputes, and also advises on procedural and substantive issues in international arbitration.

## Principal Cases:

### Examples of arbitrator appointments

- Co-arbitrator in Paris based arbitration concerned with liability of a sovereign state in respect of a guarantee given to a bank to cover a performance bond
- Chairman of arbitration tribunal, with its seat in New York, between Japanese and US companies concerning breach of Japanese patent license agreement between parties.
- Chairman of tribunal seated in Zurich between Greek and German subsidiaries of two European based multinational engineering companies concerning the breach of an agreement for the joint tender and performance of an infrastructure project in Greece in the transport sector
- Chairman of tribunal in London concerning a contract to build electricity plant in India between Swiss and Indian parties.
- Chairman of ad hoc arbitration tribunal under English Arbitration Act 1996 between Luxembourg and US entities and a French investor in respect of share holdings and loans made to directors.
- Chairman of ad hoc arbitration tribunal in England between parties from the US and England in connection with a software license for the use and development of another software product using the other party's software product.
- Chairman of arbitration tribunal in Prague, concerning a property development contract in the Czech Republic. The parties were Czech affiliates controlled in Scandinavia and Australia.
- Chairman of fast track ICC arbitration in Canada concerning contractual rights to products from mine in South East Asia.
- Sole arbitrator in WIPO Rules arbitration concerning rights under pharmaceutical product licence agreement.
- Chairman of tribunal appointed under the Rules of the Cairo Regional Centre for International Commercial Arbitration. Parties were from Poland and Egypt. The disputes related to the supply of building materials.
- Sole arbitrator between French and US companies in connection with termination of exclusive distribution contract for cosmetics products in USA.
- Chairman of tribunal in Los Angeles, under American Arbitration Association rules, in dispute concerning breach of license agreement of patented fruit varieties. Parties were from Italy and USA.
- Chairman of tribunal in dispute between parties from Peru and Argentina, and the USA, concerning the development of an electricity project in Latin America with seat in New York.
- Sole arbitrator under English Arbitration Act, in dispute between UK distributor of a major Japanese motor car manufacturer and English franchisee.
- Sole arbitrator between English and Japanese companies concerning cross royalty obligations under mutual cross license agreement.
- Chairman of tribunal with its seat in London between Indian and US parties concerning damages for the supply of breeder poultry.
- Co-arbitrator in Hong Kong based ICC arbitration between Japanese and USA parties concerning a contract for the supply of a telecommunication system in the Phillipines.
- Chairman of tribunal with its seat in Calgary, Canada. Dispute related to alleged misuse of know-how provided under a confidentiality undertaking entered into in anticipation of a joint venture between the parties.
- Chairman of tribunal with its seat in Seoul, Korea to determine issues concerning validity of a contract and allegations of illegality.
- Co-arbitrator in London based arbitration between English and Korean parties concerning the ownership of and the right to use know-how licensed by one party to the other after the expiry of the license.
- Sole arbitrator in arbitration with seat in Sweden between parties from France and USA. Dispute arose out of a contract for the supply of telecommunications system for an African company.
- Co-arbitrator in Singapore arbitration between parties from Australia and Peoples Republic of China.
- Sole arbitrator in Paris in dispute between USA manufacturer and Dutch distributor of outdoor equipment. This case also concerned applications for interim relief (injunctions).
- Sole arbitrator in Toronto between parties from Ontario, Canada and Illinois, USA. The dispute concerned

- respective rights of parties under a contract for the development, marketing and distribution of medical devices. This concerned in particular the provision of confidential information for the purpose of obtaining FDA approval for the medical device.
- Sole arbitrator in London concerning representations given at the time of the sale of a business.
- Chairman of tribunal in London, concerned with a contract for the supply of a glass fibre reinforced piping system for installation in a chemical factory between parties from Netherlands and Singapore.
- Co-arbitrator in UNCITRAL arbitration concerning dispute under the Belgo-Luxembourg - Czech Republic bilateral investment treaty. Claim was for expropriation and discriminating treatment.
- Co-arbitrator in ICSID arbitration between Norwegian investor and Republic of Lithuania.
- Chariman of LCIA arbitration concerned with liability for repayment of loan for investment in Russian joint venture.
- Chairman of ICC arbitration in Geneva arising out of failed project development in Middle East.
- Chairman of ICC arbitration between Swiss and Middle Eastern parties concerning breach of agreement for tender for public works contract in transport sector.
- Sole arbitrator in ICC arbitration between Indian and Latin American parties concerning warranties and obligations in contract for sale of clinical trials and research business.
- Co arbitrator in Paris based ICC arbitration between Japanese automobile manufacturer and exclusive distributor in Eastern European Country.

## Education and Career:

### Professional qualifications

- 1970 -1981, 2005 - Barrister-at-law, Middle Temple
- 2003 - Queen's Counsel
- 1981 - 2005 - Solicitor of the Supreme Court
- 1985 - to date Attorney at Law - New York
- 1976 - Fellow, Chartered Institute of Arbitrators
- 1999 - Chartered Arbitrator

### Education

- 1969 - LLB (Hons) University of London
- 1977 - Doctorat special en droit international - Catholic University of Louvain, Belgium (Magna cum Laude)

## Publications:

Has written and edited many books and articles on all aspects of international arbitration including:

- **Pervasive Problems in International Arbitration** (Kluwer 2006) joint editor, with L. Mistelis
- **Parallel State and Arbitral Procedures in International Arbitration** (ICC Publication, 2005, joint-editor with B. Cremades).
- **Comparative International Commercial Arbitration** (Kluwer 2003, co-author with L. Mistelis and S. Kroll).The Immunity of Arbitrators (Lloyds of London Press, 1990, editor)
- **Contemporary Problems in International Commercial Arbitration** (Kluwer, 1987, editor).
- **Applicable Law in International Commercial Arbitration** (Oceana 1978)Editor of Arbitration Series published by Kluwer International.

## Appointments and Society Memberships:

### Panel of Arbitrators

- Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agricultural Chamber of the Czech Republic.
- Cairo Regional Centre for International Commercial Arbitration
- Chartered Institute of Arbitrators
- China International Economic Trade Arbitration Commission
- Hong Kong International Arbitration Centre
- International Centre for Dispute Resolution (ICDR)
- Japan Commercial Arbitration Association
- Singapore International Arbitration Centre
- Vienna Arbitration Institute of Federal Economic Chamber

#### **Arbitration Institute Associations**

- 1988 - 2008 Member of Board of Directors LCIA
- 2000 - 2006 member of Court of LCIA
- Since 2005 - UK Member of the International Court of Arbitration of the ICC

#### **Arbitration Committees and Working Groups**

- Chairman, Law reform Committee of Chartered Institute of Arbitrators 1991 - 1996.
- Chairman, Committee on Arbitration Practice Guidelines of Chartered Institute of Arbitrators, 1997 - 2001.
- Member, ICC Commission on International Commercial Arbitration since 1990.
- Chairman, ICC Committee on International Report and Arbitration of ICC Commission on International Commercial Arbitration 1992 - 1998.
- Member of Council of ICC Institute of World Business Law.

## **Lectures and Teaching:**

Professor and Head of the School of International Arbitration, Centre for Commercial Law Studies, Queen Mary, University of London since 1986.

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