

## Professor Julian DM Lew QC

**SILK: 2003 | CALL: 1970 (SOLICITOR: 1981; ATTORNEY-AT-LAW, NEW YORK: 1985)**

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Languages: French (proficient)



### Overview

Julian is a full-time arbitrator in international commercial and investment disputes. He accepts appointments as arbitrator in international commercial and investment disputes.

He has been involved with international arbitration for more than 40 years as an academic, counsel and arbitrator. Before 2005, Julian was a partner and, for some years, the head of the international arbitration practice group of Herbert Smith.

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 contracts, infrastructure and construction projects, international trade finance, trading arrangements with developing countries, EC law and arbitration arising out of all such transactions.

Julian has been appointed as a sole, presiding and co-arbitrator in arbitrations under the rules of all the major arbitral institutions and under UNCITRAL and Swiss Chambers' Arbitration Institution rules.

He is Professor of International Arbitration and Head of the School of International Arbitration, Centre for Commercial Law Studies, Queen Mary University of London. He has held these positions since the School's creation in 1985.

Julian received the GAR Award for Best Prepared and Most Responsive Arbitrator in 2015.

### Principal publications

- Joint editor of Arbitration in England with chapters on Ireland and Scotland (Kluwer 2013).
- Joint editor of Pervasive Problems in International Arbitration (Kluwer 2006).
- Joint editor of Parallel State and Arbitral Procedures in International Arbitration (ICC Publication 2005).
- International and Comparative International Arbitration (Kluwer Law International 2003) (co-author with Mistelis and Kröll).
- Series editor, International Arbitration Library Series (Kluwer Law International).
- Applicable Law in International Commercial Arbitration (Oceana Publications 1978).

### Panel memberships

- Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agricultural Chamber of the Czech Republic
- Arbitration Court at the Polish Chamber of Commerce in Warsaw List of

## Education

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

### Recommended Arbitrators

- Asian International Arbitration Centre in Kuala Lumpur
- British Virgin Islands International Arbitration Centre
- Cairo Regional Centre for International Commercial Arbitration
- Chartered Institute of Arbitrators (CIA)
- China International Economic Trade Arbitration Commission (CIETAC): Panel of Arbitrators.
- HKIAC
- ICDR
- Japan Commercial Arbitration Association
- Korean Commercial Arbitration Association
- Shenzhen Court of International Arbitration
- Shanghai International Economic and Trade Arbitration Commission (SHIAC)
- SIAC
- Thailand Arbitration Center
- Vienna Arbitration Institute of Federal Economic Chamber

### Professional memberships

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- CIA Committee on Arbitration Practice Guidelines: Chairman (1997–2001)
- CIA Law Reform Committee: Chairman (1991–1996)
- HKIAC: Advisory Council (2014–)
- ICC Commission on International Commercial Arbitration (1990–)
- Chairman, ICC Commission Task Force on Intellectual Property Disputes and International Arbitration (1992–1998)
- Co-Chair, ICC Commission Task Force on Decisions as to Costs (2012–2016)
- ICC International Court of Arbitration: UK Member (2006–2018)
- ICC Institute of World Business Law: Council Member
- LCIA Court Member (2000–2006); Board of Directors (1988–2008)
- Scottish Arbitration Centre: Member (2021 -)
- SIAC Court of Arbitration (2014–2016)

## Example cases and appointments

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- Co-arbitrator in ad hoc arbitration concerning gas pricing in Eastern Europe.

- 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 ad hoc arbitration tribunal under English Arbitration Act 1996 between Luxembourg and US entities and a French investor in respect of shareholdings and loans made to directors.
- 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 arbitration tribunal in Prague concerning a property development contract in the Czech Republic where the parties were Czech affiliates controlled in Scandinavia and Australia.
- Chairman of tribunal in London concerning a contract to build electricity plant in India between Swiss and Indian parties.
- Chairman of ICC arbitration tribunal, with its seat in New York, between Japanese and US companies concerning breach of Japanese patent licence agreement between parties.
- Chairman of ad hoc arbitration tribunal in England between parties from the US and England in connection with a software licence for the use and development of another software product using the other party's software product.
- Co-arbitrator in UNCITRAL arbitration concerning dispute under the Belgo-Luxembourg-Czech Republic bilateral investment treaty.
- Co-arbitrator in ICSID arbitration between Norwegian investor and Republic of Lithuania.

## Banking and finance

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- 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 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 LCIA arbitration concerned with liability for repayment of loan for investment in Russian joint venture.
- Sole arbitrator in ad hoc arbitration under UNCITRAL Rules concerning liability of guarantor for financial assistance provided for oil exploration contract in the North Sea.
- Chairman of tribunal in dispute between parties from Peru and Argentina, and the USA, concerning the financing of the development of an electricity project in Latin America with seat in New York.

## Commercial

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- 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 arbitration tribunal in Prague, concerning a property development contract in the Czech Republic. The parties were Czech affiliates controlled in Scandanavia and Australia.
- 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.
- Sole arbitrator under English Arbitration Act, in dispute between UK distributor of a major Japanese motor car manufacturer and English franchisee.
- 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 Phillippines.
- Chairman of tribunal with its seat in Seoul, Korea to determine issues concerning validity of a contract and allegations of illegality.
- 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 London concerning representations given at the time of the sale of a business.
- Co arbitrator in Paris based ICC arbitration between Japanese automobile manufacturer and exclusive distributor in Eastern European Country.
- Co-arbitrator of ICC tribunal in dispute between French and Libyan parties out of a shipbuilding contract and the intervention of civil war in Libya.
- Chairman of ICC tribunal in disputes concerning liability for damages caused during transportation of heavy machinery from African country to USA.
- Co-arbitrator of tribunal under LCIA Rules in dispute concerning contract for sale and purchase of agricultural products from an African country.
- Chairman of ICC arbitration tribunal concerning contract for the purchase and delivery of the aircraft fitted and according to the agreed specifications.
- Chairman SCC arbitration concerning a long term supply contract for geothermal power.
- Chairman of SIAC arbitration tribunal of dispute arising out of a long term supply contract for coal between parties in Asia.
- Sole arbitrator under PCA Rules in a dispute between contractor an international institution.

## Infrastructure

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- Chairman of tribunal in London concerning a contract to build electricity plant in India between Swiss and Indian parties.
- 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 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.
- 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.
- Chairman of ICC tribunal concerned with dispute between Romanian contractor and state entity in Middle East over construction of a hospital.

## Intellectual property

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- Chairman of ICC arbitration tribunal, with its seat in New York, between Japanese and US companies concerning breach of Japanese patent licence agreement between parties.
- Chairman of ad hoc arbitration tribunal in England between parties from the US and England in connection with a software licence for the use and development of another software product using the other party's software product.
- Sole arbitrator in WIPO Rules arbitration concerning rights under pharmaceutical product licence agreement.
- Chairman of tribunal in Los Angeles, under American Arbitration Association rules, in dispute concerning breach of licence agreement of patented fruit varieties. Parties were from Italy and USA.
- Sole arbitrator between English and Japanese companies concerning cross royalty obligations under mutual cross licence agreement.
- 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.
- 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 licence.
- Sole arbitrator under ICDR Rules 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 ICC arbitration between Indian and Latin American parties concerning warranties and obligations in contract for sale of clinical trials and research business.

- Chairman, LCIA arbitration tribunal concerning determination of joint research and development contract and ownership rights to use products after termination of the Contract.
- Chairman of ad hoc arbitration in dispute between insured and insurer concerning cover for patent liabilities.
- Co-arbitrator in ICDR arbitration between Korean and US corporations concerning continuing rights following the termination of a Patent Licence Agreement in connection with telecommunication technology.

## Investment

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- Co-Arbitrator in investment dispute brought under France-India bilateral treaty and concerning the development of a project in docks in an Indian port. Arbitration under UNCITRAL Rules and administered by the PCA.
- Co-Arbitrator in a dispute under ICSID Rules arising out of a statute in national law which allowed unilateral acceptance of the arbitral process between US investors and an African State.
- Co-Arbitrator in ICSID arbitration brought under UK-Sri Lanka BIT concerning an investment in the plot of land earmarked to be developed into a hotel complex.
- 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.
- Co-arbitrator in a PCA arbitration under UNCITRAL Rules concerning tax liabilities arising out of an oil and gas product sharing contract and issues of jurisdiction between an investor and an African state.
- Chairman in arbitration under SIAC Rules concerning an investor and the tax stabilisation regime in the host state.
- Co-arbitrator in ICSID arbitration concerning an electricity concession agreement between a Polish company and Turkey under the Energy Charter Treaty.

## Recommendations

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He is hugely experienced, relaxed, knowledgeable and very responsive. He's great to have on the tribunal and always has an answer on the trickiest issues. [Chambers UK Bar 2022](#)

One of the most responsive and best prepared arbitrators working. [The Legal 500 UK Bar 2020](#)

Extremely experienced in commercial and investment treaty arbitrations. [The Legal 500 UK Bar 2018](#)

Definitely among the elite arbitrators. [The Legal 500 UK Bar 2017](#)

A very experienced arbitrator. [Chambers UK Bar 2018](#)

Interviewees highlight his 'thorough analysis of the case and understanding of the issues.' [Chambers Global 2018](#)