

# Lawrence Akka QC

SILK: 2012 | CALL: 1991

✉ [enquiries@twentyessex.com](mailto:enquiries@twentyessex.com)

☎ +44 (0)20 7842 1200

Languages: French



## Overview

Lawrence's practice encompasses high value and technically complex commercial and contractual disputes. He specialises in cases involving new technologies, media and telecommunications, frequently with an international element. Lawrence is instructed to appear in courts at all levels. He also acts in numerous confidential IT, shipping, commodity and commercial arbitrations and mediations in the UK and abroad.

In his technology practice, Lawrence has acted in a wide range of disputes involving software and hardware procurement, outsourcing, development, fintech and blockchain technologies, data protection, e-commerce, broadcasting, internet and telecommunications law.

He has been involved with IT for over 30 years and has a thorough grasp of the technical and other issues involved in the industry. Lawrence is a member of the UK Jurisdiction Taskforce of the [Lawtech Delivery Panel](#), and the [ICCA-IBA Joint Task Force on Data Protection in International Arbitration](#), and is the vice-chairman (civil) of the Bar Council IT Panel. He has written domestic and business software applications and is fluent in several computer programming languages.

Lawrence also has a significant wider commercial practice in shipping, banking, commodities, fraud and commercial law.

He sits as sole, party-appointed and presiding arbitrator in both technology and commercial disputes and has accepted appointments under many different sets of rules.

## Publications

- [Legal Statement on the Status of Cryptoassets and Smart Contracts](#) (UK Jurisdiction Taskforce, 2019) (co-author).
- [IT Contracts and Dispute Management](#) (Edward Elgar, 2018) (co-author). This is the only English law book addressing the law relating to technology projects and the practical, procedural and legal issues that arise at each stage.

## Professional memberships

- British Computer Society
- Commercial Bar Association
- Fraud Lawyers Association
- LCIA
- LMAA
- Society for Computers and Law

## Lectures / talks

- Paris Arbitration Week/SVAMC: Panel on Use of Experts in Technology Arbitration (July 2020)
- Fordham International Arbitration

## Education

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- University of Oxford, St Catherine's College: BA (Hons) in Law, First Class

Conference: Panel on 'GDPR-International Arbitration Meets Data Protection: Practical Guidance for Compliance' (November 2018)

- Shenzhen Court of International Arbitration: Guest speaker on blockchain technology (November 2018)
- Singapore Academy of Law: Guest speaker on 'Demystifying blockchain' (November 2018)
- Bar Council GDPR conference: Speaker on 'Travelling with data' (April 2018 and March 2019)
- Disruptive Developments: Speaker on 'Technologies driving disruptive developments—AI, blockchain and the Internet of Things' (October 2018)
- Chancery Bar Association Annual Conference 2018: Guest speaker
- Fresh perspectives conference, Blockchain (Barcelona May 2018)
- Fraud Lawyers Association: 'Civil fraud—annual roundup' (November 2017)
- 'Freezing orders—recent developments' (November 2017)

## Example cases

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- *SAP (UK) Ltd v Diageo Great Britain Ltd*[2017] EWHC 189 (TCC): representing SAP in a claim for £54 million for usage of SAP's ERP software in excess of licence by Diageo – the leading case on indirect use or access.
- *T-Systems Ltd v EE*: represented T-Systems against Everything Everywhere in an £80 million IT services dispute regarding the migration and management of Orange and EE's legacy IT infrastructure.
- *Filmflex Movies v Piksel*: dispute over the rights under a development and managed services contract to the source code for a video-streaming platform involving consideration of source code escrow and distributed version control systems.
- *Nokia Corp v HTC Corp*: application for a stay under s 9(3) Arbitration Act 1996 in multi-jurisdictional mobile telephone patent litigation.
- *Skype Technologies SA v Joltid Ltd*: acting for Skype/eBay in a multinational software licencing and copyright dispute concerning the use of the P2P technology at the core of the Skype VOIP application.
- *Atos Consulting Ltd v Avis Europe plc*: application relating to multi-million pound pan-European ERP software project.
- *Peregrine Systems v Steria*(TCC and Court of Appeal): helpdesk outsourcing – software development and implementation contract – termination clause and common law termination – misrepresentation – meaning of remediable breach – documentation and training requirements – ITIL compliance – reasonable time for performance of IT contracts.
- *TARBS Europe SA v Macedonia*: Commercial Court claims for over €60 million concerning the provision of satellite segment space and broadcasting facilities.
- *Asia Islamic Trade Finance Fund Ltd v Drum Risk Management Ltd*[2015] EWHC 3590 and [2015] EWHC 3748 (Comm): one of the leading cases on committal and sentencing for contempt of court for breach of an asset disclosure order.
- *Fiona Trust v Privalov*[2010]: Commercial Court shipping fraud claims for over US\$800 million.

## Information technology

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- *CIS General Insurance Ltd v IBM* (2020) – Representing CISGIL at the 8 week TCC trial of its claim for £132 million

concerning the development of new insurance IT system.

- Advising in relation to the recovery of £millions of cryptocurrencies following computer hacking.
- Advising in a dispute concerning the operation of the law of mistake in algorithmic trading transactions.
- *SAP (UK) Limited v Diageo Great Britain Limited* [2017] EWHC 189 (TCC) – Representing SAP in a claim for £54m for usage of SAP’s ERP software in excess of licence by Diageo – the leading case on indirect use or access.
- *T-Systems Ltd v EE* – Represented T-Systems against Everything Everywhere in an £80 million IT services dispute regarding the migration and management of Orange and EE’s legacy IT infrastructure.
- *Filmflex Movies v Piksel* – Dispute over the rights under a development and managed services contract to the source code for a video streaming platform involving consideration of source code escrow and distributed version control systems.
- Advising in relation to a dispute concerning the renewal of hosting arrangements for a national professional body.
- Advising in a multi-million pound dispute concerning the use of software outside the licensed territory, including issues of assignment/novation/interpretation.
- Regularly advising in relation to claims for delay and defects in very large scale (£10s of million) transformation, design and implementation projects for and against many of the leading IT services companies.
- Advising a government department in relation to a £multi-million contract for national roll-out of outsourced IT services.
- Advising in relation to disclosure of confidential information and availability of injunctions concerning bid documentation for IT outsourcing project.
- Providing expert evidence of English law for foreign court on jurisdiction/arbitration clauses in a Mobile telcoms distribution agreement.
- Advising on Worldwide Freezing injunctions and the effect of the hacking of an email account involving a fraudulent SWIFT transaction.
- Advising an NHS Trust on termination of a multi-year managed services IT contract for defective and delayed performance.
- Advising a worldwide software provider in relation to unauthorised resale of software licences.
- *Nokia Corp v HTC Corp* – Application for a stay under s.9(3) of the Arbitration Act 1996 in multi-jurisdictional mobile telephone patent litigation.
- *Skype Technologies SA v Joltid Limited* – Acting for Skype / eBay in a multinational software licencing and copyright dispute concerning the use of the P2P technology at the core of the Skype VOIP application.
- *Atos Consulting Ltd v Avis Europe plc* – Multi million pound pan-European ERP software project – application to strike out 60 page Particulars of Claim under CPR 3.4 – exercise of Court’s jurisdiction and discretion – termination of a master services agreement relating to ERP software and Shared Service Centre (9 week trial in TCC which settled during hearing).
- *Peregrine Systems v Steria* – (TCC and Court of Appeal) Helpdesk outsourcing – software development and implementation contract – termination clause and common law termination – misrepresentation – meaning of remediable breach – documentation and training requirements – ITIL compliance – reasonable time for performance of IT contracts

## **Media / broadcasting**

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- Advising an international broadcaster in relation to TV series production contract/distribution rights/quality issues.
- Advising on interpretation and termination of media distribution contracts for a major broadcaster.
- Advising on commercial issues arising out of a high profile broadcasting libel.
- Advising on interpretation and breach of a media talent contracts, including for breach by a well known TV celebrity and commercial rights.
- Advising in relation to a claim for breach of a media distribution and licensing agreement.
- Advising in relation to termination of contract for distribution rights of video on demand.
- Advising national broadcaster in dispute with global media company for on-demand content provision
- *TARBS Europe SA v Macedonia* – Commercial Court claims for over €60 million concerning the provision of satellite segment space and broadcasting facilities.

## Commercial contracts

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- Obtaining Worldwide asset disclosure orders and Worldwide Freezing Orders in several related cases, resulting in successful enforcement of arbitration awards.
- Advising on claims under bills of lading and sale contracts for condensation damage during shipment. Allegations of breaches of the Hague/Hague Visby Rules, and of failure to enter into a shipping contract on appropriate terms.
- Acting/advising in multiple connected disputes in different jurisdictions and fora in a multi-million dollar dispute concerning the operation of a bioethanol plant.
- Advising in several Bill of Lading disputes concerning identity of shipper problems.
- Advising on a charterparty dispute concerning identity and amount of cargo to be shipped.
- Advising in relation to ship-financing and security problems arising on sale of ships.
- Advising in numerous ship and container laytime and demurrage disputes.
- Advising in relation to recovery of damages/general average against various parties in relation to a ship fire.
- Advising in relation to the bank financing arrangements concerning ship sale contracts worth in excess of US\$26 million.
- Acting in numerous GAFTA/FOSFA/RSA/SAL and other trade body commodity arbitration disputes.
- Advising on remedies arising for breach of Worldwide Freezing Orders in several banking, commodities and shipping cases, including the applicability of receivership orders.
- Providing an expert opinion on English law for a foreign court in relation to dangerous cargoes and the law of indemnities.
- Providing an expert opinion on English law for the Malaysian Court in ship arrest proceedings concerning the OW Bunkers litigation.
- Advising in several cases in relation to issues arising in the OW Bunkers litigation concerning payment, title to goods and privity of contract.
- *Asia Islamic Trade Finance Fund Ltd v Drum Risk Management Ltd* [2015] EWHC 3590 and [2015] EWHC 3748 (Comm) One of the leading cases on committal and sentencing for contempt of court for breach of an asset disclosure order. Fraud/theft of security provided in relation to a Sharia Compliant Murabaha Financing Agreement/ Structured Commodity Trade Finance. Conversion/trespass to goods/bailment/conspiracy/pledge interests.
- *Flame SA v Glory Wealth Shipping Pte Ltd* [2013] EWHC 3153 (Comm), [2014] QB 1080 Challenges under ss68 and 69 of the Arbitration Act 1996 relating to a long-term COA. One of the key cases concerning the assessment of damages for breach of contract when the innocent party would not have been able to perform.
- Advising concerning claims in excess of US\$20 million for unperformed voyages under a long-term COA.
- *Novasen SA v Alimenta SA* [2011] 1 Lloyd's Rep 390 Jurisdictional challenge under s.67 of the Arbitration Act 1996 arising from a FOSFA commodity arbitration - agency - undisclosed principal - separability of arbitration agreements.
- *JSC BTA Bank v Ablyazov* [2010] EWHC 1779 (Comm), [2010] EWCA Civ 1141, etc, Commercial Court and Court of Appeal. Multi-billion dollar banking fraud in Kazakhstan - Freezing injunctions - receivership - ordinary course of business proviso - tracing - breach of fiduciary duty.
- *Fiona Trust v Privalov* [2010] Commercial Court shipping fraud claims for over US\$800 million.
- *Novologistics SARL v Five Ocean Corp - "The Merida"* [2009] EWHC 3046 LMAA arbitration appeal to Commercial Court - demurrage - responsibility for delay at Chinese port - port or berth charterparty.
- *Fareco Shipping Co Ltd v Daebro Shipping Co Ltd - The "Bremen Max"* [2009] 1 Lloyd's Rep 81. Delivery without bills of lading - misdelivery - validity of security and standard form charterparty letters of indemnity.
- *Gulf Agri Trade FZCO v Aston Agro Industrial AG* [2008] 2 Lloyd's Rep 376 Arbitration appeal from GAFTA award - default clause and notice - anticipatory breach of contract.
- *Serena Navigation Ltd v Dera Commercial Establishment - "The Limnos"* [2008] 2 Lloyd's Rep 166 Package or unit limitation under the Hague and Hague Visby Rules Art IV rule 5(a) - Economic loss - meaning of "goods lost or damaged".
- *Gold Coast Ltd v Naval Gijon SA - "Hull 553"* [2006] 2 Lloyd's Rep 400 Long running shipbuilding dispute concerning delay in the construction of a chemical tanker for USD38 million - seven arbitration awards - Arbitration Act section 57 - correct test for granting extensions of time.

## Arbitral appointments

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In addition to having appeared as counsel in hundreds of arbitrations, Lawrence has been appointed as arbitrator under many different sets of rules. Recent examples include:

- e-commerce agreement dispute (ICC, party appointed arbitrator)
- Shipping/bill of lading dispute (LMAA, party appointed)
- Computer game development (LCIA, chair)
- Power station coal supply agreement (LCIA, party appointed)
- Shareholder dispute/social media company (LCIA, chair)
- Provision of internet/telecommunication services (UNCITRAL, sole arbitrator)
- LLP members' agreement (LCIA, party appointed)
- Coal sale agreement (LCIA, chair)
- Broadcasting joint venture (ICC, party appointed)
- Sugar sales (RSA/SAL, tribunal legal advisor)
- Shipping/letter of credit/demurrage (LCIA, chair)
- Provision of telecommunications services (ICC, sole)
- Blockchain startup investment dispute (SIAC, sole)

## Recommendations

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He has genuine IT experience which is very helpful. He is very easy to work with and very bright, and has a good combination of legal and IT skills. [Chambers UK Bar 2020](#)

He is very able and user-friendly, a top choice for technology disputes. [The Legal 500 UK Bar 2020](#)

He has written code and so he has a deep understanding of how technology works. He is also a very good lawyer. [Chambers UK Bar 2020](#)

He is a real star in tech disputes. [The Legal 500 UK Bar 2018](#)

Very good at the complex technical side of a case, and great at encapsulating and explaining the technology against the legal backdrop. [Chambers UK Bar 2019](#)

He is an excellent standalone commercial silk but combines that with a deep knowledge of the IT industry and IT, so he can run complex cases very efficiently. [Chambers UK 2018](#)

Skilled at handling complex technical cases. [The Legal 500 2017](#)

He doesn't just look at the law but get involved in the underlying merits, which is very important. [Chambers UK 2017](#)