



Yu-Jin Tay (郑寓仁)

**Partner &
Global Co-Chair (International Arbitration)**

yujin.tay@dlapiper.com

80 Raffles Place, UOB Plaza 1, #48-01, Singapore, 048624, Singapore
T: +65 6512 6038 F: +65 6512 9500 M: +65 9720 2920

Yu-Jin Tay is the global co-chair of our international arbitration practice, with responsibility for coordinating the firm's international arbitration practice in Asia. Currently based in Singapore, he has also practised international arbitration in Paris, London and Washington DC.

Yu-Jin focuses on international arbitrations arising from M&A, joint venture, oil and gas, energy, construction and infrastructure, technology, life sciences and general commercial disputes. He has experience of arbitrations under UNCITRAL Rules as well as the rules of most leading arbitral institutions including the ICC, SIAC, HKIAC, LCIA, AAA, CIETAC, DIAC, KLRCA and BANI, in major arbitral seats around the world. Since 2001, he has also advised and represented investors and governments in investment treaty arbitrations. In 2013, he was designated to ICSID's panels of arbitrators and conciliators by the Democratic Republic of Timor-Leste.

In addition to acting as counsel, Yu-Jin sits as an arbitrator and has received appointments in ICC, SIAC, LCIA and ad hoc arbitrations. He is a member of various panels of arbitrators including the SIAC, ICSID, KLRCA, KCAB and VIAC.

Yu-Jin also has experience conducting and coordinating complex regulatory, corporate and internal investigations throughout the Asia-Pacific region.

Yu-Jin is an elected Council Member and Fellow of the Singapore Institute of Arbitrators. He presently chairs the SI Arb's Arbitration Bar Committee. He is also a member of the SIAC's User's Council.

CREDENTIALS

Education

Singapore Public Service Commission
Overseas Merit Scholar. 1993-1999

University College London, LL.B.
(Hons). 1996

University College London, LL.M.
(Corporate & Commercial Law). 1997

Inns of Court School of Law, Bar
Vocational Course. 1998

Board of Legal Education,
Postgraduate Practical Law Course,
Singapore. 2000

Professional Qualifications

Solicitor of the Senior Courts of
England and Wales

Advocate & Solicitor of the Supreme
Court of Singapore (non-practising)

Barrister-at-Law (Gray's Inn), England
& Wales (non-practising)

Languages

English

Mandarin



EXPERIENCE

Over 60 international arbitrations under various arbitral rules and across most major global arbitral seats, including recent representation of:

- A global Chinese agricultural technology company as respondent in an ICC arbitration seated in Paris against a Romanian company. The dispute is governed by French law and involves claims and counterclaims in excess of EUR 10 million.
- One of China's largest metals refineries as respondent in an ICC arbitration seated in Singapore commenced by a European technology company. The dispute arose under various technology licence agreements and related to innovative technology developed independently by the respondent. The dispute involved claims in excess of USD 100 million and was subject to a variety of applicable laws including international law. There was related local litigation involving intellectual property law and novel points of antitrust law. We achieved a successful result for our clients.
- Advising a leading Philippine construction contractor in a dispute with a Chinese subcontractor arising from the construction of two coal-fired power plants in Philippines. The disputes were subject to SIAC arbitration in Singapore and governed by Philippine law.
- An international professional services firm in SIAC arbitration in Singapore against an English company.
- A Middle Eastern electronics distributor in an expedited SIAC arbitration in Singapore against a global technology company.
- A global Korean construction company as respondent and counterclaimant in a SIAC arbitration in Singapore in connection with a major mining project in the Asia Pacific region. Over USD 100 million was in dispute and a successful settlement was secured for our clients.
- A global Chinese energy company as claimant in an ICC arbitration seated in Singapore subject to Iranian law. Over USD 80 million is in dispute in connection with the construction of an oil pipeline. There is parallel litigation in Iran and we successfully secured an anti-suit injunction for our clients in support of the arbitration in Singapore.
- A leading Northeast Asian contractor as respondent in an ICC arbitration seated in Singapore. The arbitration arises in connection with the construction of a multi-billion dollar petrochemical facility in India and includes disputes over tax liability. A successful settlement was obtained on behalf of the client.
- A Northeast Asian contractor as respondent against over USD 1.5 billion in claims in a series of disputes arising from a long-standing joint venture and development projects in Indonesia. The disputes are subject to ICC arbitration in Singapore and Indonesia, as well as a series of litigation before local courts. Successful results have been obtained to date for the client in all of the local litigation.
- A Singapore company as claimant in a LCIA arbitration seated in London and governed by English law against a Middle Eastern oil and gas services company. Approximately USD 15 million is in dispute in connection with the provision of seismic acquisition services in Iran.



- A US technology company in a shareholder dispute with a leading listed Malaysian manufacturer subject to Malaysian law and KLRCA arbitration in Kuala Lumpur. The matter involved related patent litigation in California and a swift and successful settlement was achieved for the client.
- A US manufacturer in a shareholder dispute with its Indian counterpart subject to Indian law and SIAC arbitration in Singapore. There was parallel litigation before the Indian Company Law Board in Chennai. We achieved an efficient and successful settlement for our clients.
- An Indian listed IT company and its subsidiary as respondents in a SIAC arbitration seated in Singapore. The dispute arises in connection with a USD 105 million investment and involves ancillary litigation in New York, India, BVI and Singapore. Applicable laws include Singapore and Indian laws.
- An Indonesian shareholder in disputes subject to SIAC arbitration in Singapore arising from shareholder and various financing agreements. The opposing parties are Indian investors and the disputes relate to investment in an Asian mining concession.
- Two Asian oil and gas companies as respondents in separate ad hoc arbitrations in London and Geneva. The disputes arose in connection with a sale and purchase agreement and a joint operating agreement; one was governed by English law and the other by Sudan law. Over USD 100 million was in dispute and favourable settlements were obtained on behalf of our clients in both arbitrations.
- Three Filipino Claimants as minority shareholders against 29 Respondents in an ICC arbitration seated in Singapore subject to Philippine law. The dispute arose in connection with a stakeholders agreement and concerned a leading healthcare and medical group. A successful settlement was obtained on behalf of our clients which also led to successful resolution of related litigation in the Philippines and a related ICC arbitration.
- A global distribution services company in the aviation sector in connection with a longstanding pricing dispute against a major US technology provider, subject to ICC arbitration in London under New York law. The dispute, in excess of USD 30 million, also concerned a related shareholders agreement. A successful commercial settlement was obtained on behalf of our clients.
- Advising and representing a French biotech company in a post-M&A dispute with a Korean life sciences company in relation to a Japanese research and development start-up company. The dispute was subject to ICC arbitration in Tokyo. We achieved a very successful settlement for our clients which not only resolved the dispute but created further commercial opportunities.
- A well-known Korean global electronics company in a dispute with a PRC OEM manufacturer subject to ICC arbitration in Singapore under Singapore law. The dispute, in excess of USD 50 million, arose in connection with indemnification for defective products and compensation for the costs of international recall.
- A leading Korean engineering & construction company in a dispute with a Singaporean subcontractor subject to ICC arbitration in Singapore under Singapore law. The dispute arose in connection with a USD 1.3 billion LNG Terminal Project in Singapore and involved a dispute over intellectual property rights. A successful commercial settlement was secured.



- A leading Korean global construction company in a dispute with a Japanese consortium partner subject to ICC arbitration in London under English law. The dispute, in excess of USD 29 million, arose in connection with the construction of a GTL Feed Gas Preparation Plant in the Middle East. A successful commercial settlement was secured.
- A Singapore-based Sports Rights Management company in a dispute against a South Asian sports association arising from a marketing agreement. The agreement was subject to Sri Lankan law and SIAC arbitration in Singapore. A favourable commercial settlement was secured for our clients.
- A Vietnamese party in a dispute against a Korean listed company subject to SIAC arbitration in Singapore under Vietnamese law. The dispute arose in connection with a shareholders agreement. A successful commercial settlement was secured.
- A prominent French global fashion label against an Asian textile company in an ad hoc arbitration in Singapore. The long-standing multijurisdictional dispute arose in connection with trademark registration in breach of agreement between the parties. A successful award was obtained for our clients.
- Four Middle Eastern and Asian companies as respondents in ICC arbitration in Singapore against 12 Asian claimants. The dispute concerned a shareholders' agreement. Over USD 5 billion was in dispute and the dispute was subject to Korean law. Two of our clients successfully objected to jurisdiction. All claims against them were dismissed and over USD 2 million in costs were awarded to our clients. Under the terms of the award on the merits, our other two clients were to sell their shares to the claimants, which effectively gave our clients a return on their investment of over 300 per cent; all damages claims brought against our clients were dismissed, and each party bore their own costs.
- A major Indian listed company and its affiliate in joint venture and related disputes governed respectively by Singapore, English and New York laws, subject to SIAC arbitration in Singapore and litigation in a number of jurisdictions. A successful comprehensive settlement and restructuring of the joint venture was achieved. The SIAC arbitration involved the second invocation of the then new SIAC Emergency Arbitrator procedure, with successful and effective results for our clients.
- A major North Asian corporation as respondent in an ICC arbitration in Korea against a claim by a European contractor under various agreements. The dispute was subject to Korean law and concerned tax liability under the agreements. The amount at stake was approximately USD 30 million. We achieved a complete dismissal of claims against the respondent and full recovery of all legal and arbitration-related costs.
- Malaysian Historical Salvors Sdn Bhd, a Malaysian company owned by British investors, in ICSID proceedings to annul an award rendered in favour of the Government of Malaysia in a dispute arising out of a high profile marine historical salvage project. We achieved a successful annulment of the ICSID award in this landmark case.
- An English listed industrial conglomerate and its Dutch affiliate as respondents and counterclaimant in an ICC arbitration in Zurich arising out of a long-standing joint venture in



Korea. The dispute arose under a joint venture agreement that was subject to Korean law. The amount in dispute was USD 50 million. A successful settlement was achieved.

- An Asia-Pacific life insurance company as respondent in an ICC arbitration in New York against a Korean government entity. The dispute arose out of the sale of a Korean life insurance company including our client. The applicable law was Korean and the amount at stake was USD 2 billion.
- American investors as claimants in an ICSID arbitration against a Middle Eastern state. The USD 250 million dispute concerned unfair treatment and expropriation of the investors' textile investments by the state in violation of a bilateral investment treaty.
- A Bangladesh power plant operator as claimant in three UNCITRAL arbitrations in Singapore, administered by the SIAC, against a Bangladeshi state-owned power company. The disputes were governed by English law and arose in connection with operation and maintenance agreements for two combined cycle power plants in Bangladesh. A successful award for USD 20 million (with full recovery of costs) was obtained in the first arbitration. The second and third arbitrations are still pending.
- A Cyprus-based investor as claimant in an Energy Charter Treaty arbitration against an Eastern European state. The USD 300 million dispute arose from the claimant's investment in a private oil refinery.
- An American investor and its two Korean affiliates as claimants in an ICC arbitration in Hong Kong against a leading Korean steelmaker. The USD 500 million dispute was governed by Korean law and concerned the respondent's failure to perform an agreement to sell its assets to the claimants.
- A Korean subsidiary of a US telecommunications company as claimant in an ICC arbitration in San Francisco against three Korean respondents arising out of the acquisition by our client of telecommunications-related assets from the respondents. USD 10 million was in dispute.
- A Venezuelan consortium as respondent in a series of claims brought over a contract to build a petroleum upgrader. The ICC arbitration was governed by New York law and involved over USD 690 million in claims arising in connection with the national Venezuelan oil strike of 2002-03. A favourable settlement was achieved for our clients.
- An Asian state entity as claimant against a group of leading European defence companies in an ICC arbitration in Paris. The dispute arose from a defence procurement contract and involved claims in excess of USD 550 million. The governing law was French law and the arbitration was in English and French.
- A French oil company and investment consortium as claimants against an Eastern European state in an UNCITRAL arbitration and related proceedings in Stockholm. The dispute concerned violations of an oil production sharing agreement and the governing law was Russian law.
- A French cement company as claimant against a Philippine cement producer in a construction dispute relating to a USD 336 million cement manufacturing plant in the Philippines. Philippine law governed the dispute and the arbitration was conducted in Singapore under ICC Rules.



- A Korean project company in disputes with construction contractors subject to ICC arbitration in Singapore. The disputes arose out of the construction of a combined cycle power plant in the Philippines and concerned issues including delay, disruption and extra work claims. New York law governed the dispute.
- A Southeast Asian owner in ICC and SIAC arbitrations in Singapore against Korean contractors. The disputes concerned delay in the construction of a commercial tower block in Manila and the financing arrangements for the project. Philippine law governed and the language of the arbitration was English.

PUBLICATIONS

- Yu-Jin Tay, Singapore Chapter in Fouret, J. (ed.), *Enforcement of Investment Treaty Arbitration Awards: A Global Guide* (Global Business Publishing, 2015)
- Yu-Jin Tay, 'Reflections on the Selection of Arbitrators in International Arbitration', ICCA Congress Series No. 17 (*Kluwer Arbitration*, 2013)
- Yu-Jin Tay and David Liu, 'Arbitration in Singapore', *Getting the Deal Through: Arbitration 2013*

PRESENTATIONS AND SEMINARS

Yu Jin speaks regularly throughout Asia at conferences on investment treaty arbitration and arbitration law and practice. He has also been commissioned by international development agencies to conduct arbitration training and capacity-building for governments in Asia. Below is a selection of recent speaking engagements:

- Panel Chairman, DLA Piper Seminar on Oil and Gas Arbitrations -- Tactics and Tips on Presenting Your Case, Singapore, March 7, 2016.
- Panelist, Insights into International Arbitration, GOAL Legal Confex Singapore, February 24, 2016.
- Panelist, ICSID at 50: The Evolution of International Investment Treaties and Dispute Resolution, Xi'an Jiaotong University (China) November 24, 2015.
- Panelist with US Senator George Mitchell, Doing Business in ASEAN - Trends in Compliance, Arbitration and Dispute Resolution, Singapore, November 2015.
- Symposium Co-Chair, Singapore Institute of Arbitrators. annual Commercial Arbitration Symposium, Singapore, 2012, 2013, 2014 and 2015.
- Speaker, Arbitration of Shareholder Disputes, Kluwer Arbitration Conference, Jakarta, December 2014.
- Panelist, National University of Singapore Centre for International Law's 4th Singapore International Investment Arbitration Conference, December 2013.
- Panelist, 'Dispute Resolution Trends in Asia involving Technology Disputes', DLA Piper TechDay 2013 (Singapore), 25 November 2013.
- Panel Chairman, DLA Piper Seminar on Third Party Funding in Asia (Singapore), November 2013.



- Panelist, Mock Emergency Arbitration, HKIAC ADR in Asia Conference (Hong Kong), October 2013.
- Speaker, 'Contract Claims vs Treaty Claims', KCAB Seminar on Investor-State Dispute Settlement, Korea University, Seoul, August 2013.
- Panelist, 'Emergency Arbitrator Procedures under SIAC and HKIAC Rules', 2013 APRAG Conference (Beijing), June 2013.
- Panel Chairman, SI Arb Seminar on SIAC, HKIAC and Swiss Rules, January 2013.

PRIOR PROFESSIONAL EXPERIENCE

Yu-Jin served as a Military Prosecutor and Legal Counsel in the Singapore Ministry of Defence from 1999-2001. From 1998 to 1999, he trained as a pupil barrister at Fountain Court Chambers in London.

PROFESSIONAL MEMBERSHIPS

- Yu-Jin is an elected Council member and Fellow of the Singapore Institute of Arbitrators. He chairs the Arbitration Bar Committee of the Singapore Institute of Arbitrators.
- From 2002 to 2010, he was the first regional representative for Asia in the LCIA's Young International Arbitration Group (YIAG).
- He is a member of various international bar associations including the Australasian Forum for International Arbitration (AFIA), International Arbitration Institute (IAI), International Bar Association (IBA) and the Inter-Pacific Bar Association (IPBA).

RECOGNITIONS

- Yu-Jin is one of few lawyers based in Asia to be featured in the 2011 edition of *Global Arbitration Review's* prestigious *45 under 45 - a global survey of top arbitration lawyers under age 45*.
- Since 2010, Yu-Jin has been listed annually in *GAR's International Who's Who of Commercial Arbitration*, in which he has been described as a "specialist among specialists" (2016), "a star" (2013), "very well regarded across Asia" (2012) and having "impressed clients with persuasive advocacy on critical legal points that made a real difference to the result" (2010).
- Yu-Jin is listed as a leading individual in the Asia-wide, Korea and Singapore categories of *Chambers Asia-Pacific*, where he is described as "well ahead of the game", "incisive and analytical in his approach" and "a great lawyer with a lot of experience both inside and outside Asia". He is also consistently listed as a leading individual in *Legal 500* (since 2008), *Legal Media Group's Guide to the World's Experts in Commercial Arbitration* (since 2006) and *Benchmark Litigation* (since 2013).

PRO BONO

Yu-Jin is active in international pro bono matters. He is a member of the international Advisory Board of Africa International Legal Awareness (AILA), a London-based non-profit organisation focused on international investment law and capacity building projects for low and middle income countries.



He has been seconded to the Office of the Prosecutor at the UN International Criminal Tribunal for Rwanda (UNICTR) and assisted in its prosecution of genocide and crimes against humanity. He has drafted an amicus brief for the Grand Chamber of the European Court of Human Rights (ECHR) in *Nachova and Others v Bulgaria* — a decision by the Grand Chamber of the ECHR which affirmed its first ever finding of racial discrimination in breach of Article 14 of the European Convention on Human Rights.

Yu-Jin's pro bono legal experience also includes the successful representation of indigent Palestinians seeking political asylum in the United States. He has represented a Rwandan national in his asylum application before the United Nations High Commissioner for Refugees (UNHCR) in Hong Kong. Yu-Jin has also provided skills training and support for programmes sponsored by International Bridges to Justice in Asia.