

**Elijah Putilin** is an Adjunct Professor of International Dispute Resolution at several universities in Central and South-East Asia and a founder of Putilin Dispute Management (PDM), a dispute resolution and public international law practice.

Prior to founding PDM, Mr Putilin worked as a Deputy Head of Legal Services at the Asian International Arbitration Centre (AIAC) and Secretary General of the Asian Domain Name Dispute Resolution Centre (ADNDRC). As part of the AIAC and ADNDRC, Mr Putilin co-led a team of counsels and supervised more than 3000 adjudication, arbitration, mediation and domain name disputes cases referred to the Centre. Mr Putilin also played an instrumental role in revision of the AIAC's rules and the Malaysian Arbitration Act 2005.

Before he moved to Malaysia to join the AIAC and the ADNDRC, Mr Putilin had practiced principally from Moscow offices of Squire Patton Boggs and Clifford Chance. He represented and advised clients in over a hundred disputes before SCAI, SCC, LCIA, ICC, ICDR and ICAC (Russia) tribunals, foreign and domestic courts of all levels, including the RF Supreme Courts, and international trade tribunals.

Mr Putilin is the Member of the Tashkent International Arbitration Center's Court of Arbitration, alongside Stanimir Alexandrov, Dirk De Meulemeester, Olena Perepelynska and Aybek Akhmedov. Mr Putilin is also the President of the Central Asian Arbitration Association, the first of its kind organization in the region to promote the use off alternative dispute resolution mechanisms<sup>1</sup>. The highlights of Mr Putilin's experience include:

### **Commercial**

- Development of the case strategy and pursuing a claim for a Chinese SOE-Contractor in an arbitration under the FIDIC-based contract pursuant to the SCC Rules. The matter involved a complex delay and quantum analysis and a comprehensive comparative study of Russian, Chinese and Swedish law;
- Advising one of the largest Russian manufacturers of steel pipes on substantive and procedural issues arising in an arbitration pursuant to the ICAC (Russia) Rules against Uzbek oil & gas producers; developing an enforcement strategy;
- Advising Uzbek contractor on potential arbitration pursuant to the SCAI Rules against a Chinese manufacturer of heavy machinery equipment;
- Representing a consortium of Central Asian vineyards in an arbitration under the CISG-governed contract pursuant to the SCAI Rules;
- Advising Uzbek commodity-trader on potential court proceedings against Turkmen SOE;
- Advising one of the largest Uzbek agro-holdings on dispute resolution mechanisms under the investment agreement with a Chinese investor;

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<sup>1</sup> The launch of the Association is scheduled for Q2 2021.

- Successful enforcement of the ICDR award in favour of the US chemicals manufacturer, overcoming non- notification and *ultra vires* defences raised;
- Advising a leading Swiss pharmaceutical company on potential arbitration against its Russian distributor in an arbitration under the ICAC (Russia) Rules;

### **Intellectual property**

- Successful defence of a Chinese cell phone manufacturer in the first ever SEP (standard essential patent) infringement and patent annulment proceedings in Russia, resulting in the stay of the proceedings pending determination of a RAND rate by the US court; alignment of the case strategy with the ICC arbitration in relation to the same issues;
- Successful challenge of the Russian Union of Rightholders (RUR) decision to impose arbitrarily inflated copyright levy on Panasonic: the then the only claim against the RUR granted a leave to be appealed to the RF Supreme Court;

### **Competition**

- Securing an unprecedented decrease of an anti-dumping duty imposed by the Eurasian Economic Commission on a Chinese steel manufacturer in one of the first anti-dumping cases heard by the Court of the Eurasian Economic Community;
- Achieving an amicable settlement and a 10-times decrease of a fine imposed by the Federal Antimonopoly Service (FAS) on a leading shipping company in relation to the alleged concerted actions taken;
- Coordinating in-house medical and legal teams and defending interests of an Israeli pharmaceutical company in a dispute against the FAS and judicial review proceedings in relation to the determination on the interchangeability of drugs manufactured;

### **Compliance**

- Advising a Russian pharmaceutical company in an FCPA investigation triggered by allegations of bribes committed by its CEO, a former MP;
- Advising MasterCard on compliance with the US sanctions imposed on certain Russian banks;
- Leading an internal investigation into the operations of a Russian subsidiary of one of the largest UK banks triggered by allegations of fraud;
- Leading an internal investigation into the operations of a Russian subsidiary of the Swiss heavy equipment manufacturer triggered by allegations of mismanagement, misappropriation of companies' funds and violation of AML and anti-bribery legislation;
- Leading an internal investigation into the operations of a Russian subsidiary of one of the largest German insurance companies triggered by allegations of corruption, mismanagement and misappropriation of companies' funds, reporting directly to the board of the parent company and implementing the compliance policies.

## **Acting as an expert consultant**

Mr Putilin often acts as a consultant on matters pertaining to public international law, ADR, construction, and securities regulations. His experience includes:

- being the sole contributor on Uzbekistan to the UNCITRAL and Shearman & Sterling's Guide to the New York Convention 1958;
- appointment as an expert on the law of obligations responsible for the revision of Uzbekistan Civil Code;
- drafting amendments to the Malaysian Arbitration Act 2005, Mediation Act 2012, Sports Development Act 1997 and Construction Industry Payment and Adjudication Act 2012;
- advice to the Government of Malaysia on the ratification of the Singapore Mediation Convention;
- advice to the Government of Malaysia on the amendments to the ICSID Arbitration Rules;
- advice to the Government of Malaysia on the application of International Organizations (Privileges and Immunities) Act 1992;
- advice to Uzbekistan Chamber of Commerce on the revision of the arbitration act;
- member of the Sounding Board, the Hague Rules on Business and Human Rights Arbitration (BHR arbitration);
- assistance to Prof. Dr Vadim Belov in preparation of an expert opinion on insolvency and promissory notes laws in relation to the proceedings before Dutch courts (the amount of claim is circa USD1.1 bln);
- advice to a leading Russian telecom group on securities and IP law in relation to proceedings before the Isle of Man courts;
- advice to the consortium of German investors on secondary liability regime under the RF insolvency law in relation to an arbitration under the MCCI Rules and;
- advice to one of the largest UK banks on subordinate loans regulations in relation to the LCIA arbitration.

## **Arbitral appointments**

Mr Putilin has acted as a tribunal secretary and/or shadowed for one of the leading arbitrators in the APAC region in several ad hoc and institutional arbitrations, and has been appointed as the Sole Arbitrator by the Tehran Regional International Arbitration Centre and a Co-Arbitrator by the International Court of Arbitration in affiliation with the Chamber of Commerce and Industry of the Kyrgyz Republic.

## **Academic**

Mr Putilin received his LLB and LLM (*cum laude*) from the Moscow State Institute of International Relations (MGIMO) in 2013, following which he continued his studies as a PhD student in international investment and trade law. At present, Mr Putilin is continuing his education at the City University of

London Law School, undertaking a Graduate Diploma in Law program. Mr Putilin was one of the youngest practitioners worldwide to be admitted as a full member (fellow) of the Chartered Institute of Arbitrators (UK) and to complete the Oxford Diploma Course. Mr Putilin divides his time between his practice, lecturing and publishing. He is a frequent speaker at international conferences in Asia and Europe. The highlights of Mr Putilin's academic profile include:

*Faculty appointments and visiting lectureships*

- visiting faculty, 'Law, Practice and Procedure of International Commercial Arbitration', American University of Central Asia, Kyrgyzstan;
- visiting faculty, 'The Essentials of International Investment Law & Arbitration', KAZGUU University, Kazakhstan;
- visiting lecturer, 'International Investment Law', Diplomatic Academy Vietnam, Vietnam;
- visiting lecturer, 'International Commercial Arbitration: Modern Trends', Westminster International University in Tashkent (WIUT), Uzbekistan;
- visiting lecturer, 'International Commercial Arbitration: The Flavours of Asia', University of World Economy and Diplomacy, Uzbekistan;
- visiting lecturer, 'Arbitration in Asia: Practical Considerations', 'Introduction to International Investment Law: Vietnamese International Investment Regime', 'Provisional Measures in Investment Arbitration', Foreign Trade University, Vietnam;
- visiting lecturer, 'Introduction to Mediation', Taylor's University, Malaysia;
- visiting lecturer, 'The Art of Resolving Construction Disputes', SEGi University, Malaysia.

*Publications: Books & Book Chapters*

- co-editor with C. Baltag, K. Gore and K. Duggal, 'International Investment Law & Arbitration in Central Asia', (Kluwer Law International) (forthcoming, June 2021);
- author, 'AIAC Arbitration Rules: A Commentary', (Kluwer Law International) (forthcoming, August 2021);
- author, 'A Guide to Malaysian Investment Treaties', (Sweet & Maxwell Asia) (forthcoming, August 2021);
- author, '2119: An Arbitral Odyssey or Proliferation of International Arbitration of Space-Related Disputes' in 'A Brand New World: The Evolution and Future of Arbitration', CIARB, (2020);
- contributor, S. Rajoo, WSW Davidson, 'The Arbitration Act 2005: the UNCITRAL Model Law as applied in Malaysia', (Sweet & Maxwell Asia) (2018);
- co-author, Chapter on Russia in 'International Agency and Distribution Law', 2<sup>nd</sup> ed, ed. by D. Campbell, (2013).

*Publications: Selected Articles and Blog Posts*

- author, *'To Apply or Not to Apply: the RF Constitutional Court's Ruling as the Latest Nail in the Yukos Award's Enforcement Coffin [tentative title]*, Czech Yearbook of Arbitration, (2021);
- co-author, *'Immunities and Privileges in Practice: A Tale of How to (Not) Apply Them in Practice'*, Czech Yearbook of International Law, (2020);
- co-author, *'Bishkek Arbitration Days: Dispute Resolution in Times of Pandemic'*, Arbitration.ru, No. 6(20), (2020);
- author, *'Security of Payment Legislation: An Answer to Resolving Construction Disputes in Times of Pandemic?'*, Arbitration.ru, No. 4(19), (2020);
- author, *'Book Review: Arbitration in Malaysia by Thaya Baskaran'*, Malaysian Arbitration Forum, (2020);
- author, *'Construction Industry Payment & Adjudication Act: A Call for Amendments?'*, Malaysian Arbitration Forum, (2020);
- author, *'Third Party Funding in Malaysia'*, Malaysian Arbitration Forum, (2020);
- author, *'AIAC Arbitration Rules: A Commentary – Parts I & II'*, Malaysian Arbitration Forum, (2020);
- author, *'Strike the Iron While Its Hot: SG HC Refused to Extend the Set Aside Period in Case of Fraud'*, Malaysian Arbitration Forum, (2020);
- author, *'1MDB Saga Continues before English Courts'*, Malaysian Arbitration Forum, (2019);
- author, *'The Great Equaliser or Reflections on the Use of Mediation in Investor-State Dispute Settlement'*, Asian Pacific Mediation Journal, Vol. 1, No. 2 (2019);
- co-author, *'CPTPP and the Tale of Two Tigers: How May the Ratification of the CPTPP Affect Malaysia's International Investment Regime?'*, Transnational Dispute Management, Special Issue on the CPTPP (2019);
- author, *'On the Notion of Economic Regionalism in International Law'*, Moscow Journal of International Law, No. 4 (2015);
- author, *'Dispute Resolution in Russia'*, Faces of Dispute Resolution 2012, Financier Worldwide, (2012).

### **Professional affiliations**

- Central Asian Arbitration Association, President;
- Tashkent International Arbitration Centre, Member of the Arbitration Court;
- Racial Equality for Arbitration Lawyers, Ambassador;
- Chartered Institute of Arbitrators, Fellow;
- Beihai Asia International Arbitration Centre (Singapore), Arbitrators' Panel Member;
- Chamber of Arbitrators (Belorussia); Arbitrators' Panel Member;
- ICA under the CCI (Kyrgyzstan), Arbitrators' Panel Member;
- Thailand Arbitration Center (Thailand), Arbitrators' Panel Member.

**Languages**

- English (Full Proficiency)
- Russian (Native)
- German (Reading)

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