

ESSEX COURT CHAMBERS

BARRISTERS



IAIN QUIRK

Call: 2002

iquirk@essexcourt.com

24 Lincoln's Inn Fields, London WC2A 3EG, UK
T +44 (0)20 7813 8000 | F +44 (0)20 7813 8080
DX 320 Chancery Lane
E clerksroom@essexcourt.com

Maxwell Chambers

32 Maxwell Road #02-12, Singapore 069115

PROFESSIONAL PRACTICE

The “*fantastically clever*” Iain Quirk is an “*excellent technical lawyer and advocate*” and a “*star of the future*”. He is particularly rated for his “*confident, easy style of oral advocacy*” and his “*very good advocacy skills*”. He regularly appears in the Commercial Court, Chancery Division and Queen’s Bench Division, with recent clients noting “*we were impressed with Iain’s oral presentation of the case, which was delivered succinctly and with a suitable tone.*”

Iain has particular expertise in fast-moving injunctions and expedited hearings, including freezing and disclosure orders, anti-suit injunctions, and arbitration-related court applications under ss.67, 68 and 69 of the Arbitration Act 1996. He is “*thorough, meticulous and bright*” and “*not afraid to be brave with his advice*”. He is also “*brilliant with the detail*” and “*never loses sight of the big picture*”. Iain regularly appears against QC’s in such cases.

Iain appears in employment disputes in the Queens Bench and Chancery Divisions, including injunctions and expedited trials. Importantly for those sort of cases, “*He is very approachable and very bright, and has a “can-do” attitude.*”

Iain’s practice has a particular emphasis on international commercial arbitration and investment arbitration, where he is “*incredibly thorough, very hard-working, clever and commercial.*” He is “*efficient, responsive, good with clients, and someone with a huge in-depth knowledge of all arbitration matters – he really is a specialist*”. Others note that he is “*clear and concise, and a good strategist with an extensive knowledge of arbitration law*”. Iain regularly advises and

appears as counsel in arbitrations under all of the major international institutions (including ICC, LCIA, ICSID, SCC, SIAC, HKIAC, AAA/ICDR and the UNCITRAL rules) and is appointed as arbitrator (sole and three-member) by the LCIA, ICC and other institutions. Iain teaches International Commercial Arbitration and Investment Arbitration on the MA course at Kings College, London. In 2016, Iain was appointed as the ICC UK Arbitration Consultant, the first English barrister to hold that position.

Iain was selected to join the Attorney General's Panel of Counsel (B Panel) and has appeared for the UK Government at all levels up to the Supreme Court. He also has extensive expertise in acting for sports and media companies and individuals, in particular relating to the music industry, Formula 1 (including FIA Contracts Board), football (including the FIFA Ethics Code procedure), horseracing and racket sports (including in cases before the Court of Arbitration for Sport). Sources comment that he *"picks up the issues very quickly"* and is *"a pleasure to work with even when things are not going entirely to plan"*.

Iain is also highly rated in competition law, and has considerable experience of European law, in particular challenging EU economic sanctions. He has appeared in the CJEU and General Court of the EU, with the directories noting *"He does a fantastic job, he is reliable, a very good drafter and a team player"* and *"He has strong knowledge of the field and is very pragmatic"*. Iain represented the former Ukraine Finance Minister (*Klymenko v Council of the European Union*) and the former Zimbabwe Deputy Minister for Economic Planning and Development (*Senator Georgias v Council of the European Union*) in their challenges to EU sanctions.

AREAS OF EXPERTISE

- Arbitration & related court applications
- Banking & financial services
- Commercial dispute resolution
- Commercial fraud / asset recovery
- Conflict of laws & private international law
- Employment
- Energy & natural resources
- European Law, sanctions & competition
- Freezing orders, search orders and Norwich Pharmacal disclosure orders
- Investment treaty disputes
- Media, art, entertainment
- Public & administrative law
- Public international law
- Sports Law

WHAT OTHERS SAY

“Efficient, responsive, good with clients, and someone with a huge in-depth knowledge of all arbitration matters – he really is a specialist.” Chambers UK 2017 International Arbitration

“He has a confident, easy style of oral advocacy and his written advocacy is concise. He picks up the issues very quickly.” Chambers UK 2017 Media & Entertainment

“His pleadings are very strong and he is enjoyable to work with.” Chambers UK 2017 Competition Law

“Clear and concise, and a good strategist with an extensive knowledge of arbitration law.” Legal 500 2017 International Arbitration, Leading Junior

“An excellent technical lawyer and advocate.” Legal 500 2017 Media & Entertainment, Leading Junior

“A pleasure to work with even when things are not going entirely to plan.” Legal 500 2017 EU & Competition, Leading Junior

“He is thorough, meticulous and bright.” Legal 500 2017 IT and Telecoms (Including Data Protection), Leading Junior

“He is very good. He has clever ideas and has very good advocacy skills. I’m sure he’s a star of the future.” Chambers UK 2016 International Arbitration

“Iain was very accessible, approachable, friendly and engaged. We were impressed with Iain’s oral presentation of the case, which was delivered succinctly and with a suitable tone.” Chambers UK 2016 International Arbitration

“Routinely involved in complex high-value arbitrations, acting as counsel and as arbitrator. Areas of expertise include disputes arising in the mining and shipping sectors and English court enforcement actions.” Chambers UK 2016 International Arbitration

“Handles a broad range of commercial litigation and arbitration, and regularly acts for competition law clients from the energy, construction and financial sectors.” Chambers UK 2016 Competition Law

“He’s very reliable, he does the job quickly and is a great team player.” Chambers UK 2016 Competition Law

“Acts for a broad range of media clients across a variety of areas including music, television and sport. He is able to deal with high-profile and sensitive IP issues and has particular expertise in copyright matters in the music industry.” Chambers UK 2016 Media & Entertainment

“He’s great, very approachable, very user-friendly and comes up with good points. His advice is always very clear. He comes to a point of view and communicates it well. He’s quite commercial as well and knows the media sector very well.” Chambers UK 2016 Media & Entertainment

“He is capable of making the most difficult concepts seem simple.” Legal 500 2016 IT and Telecoms (Including Data Protection), Leading Junior

“He is very approachable and very bright, and has a “can-do” attitude.” Legal 500 2016 Media & Entertainment, Leading Junior

“Fantastically clever and not afraid to be brave with his advice. He is also brilliant with the detail and never loses sight of the big picture.” Chambers UK 2015 Competition Law

“He has particular expertise within the energy, financial and construction sectors.” Chambers UK 2015 Competition Law

“He is incredibly thorough, very hard-working, clever and commercial.” Chambers UK 2015 International Arbitration

“Has a broad commercial international arbitration practice and has recently handled matters in Africa, the Middle East and Asia. Of late he has handled disputes relating to the coffee industry and the healthcare sector.” Chambers UK 2015 International Arbitration

“Essex Court Chambers’ Iain Quirk recently represented the six leading Hollywood studios claiming breach of contract against the UK website Newsbin, and acted for the former business partners of the actor Neil Morrissey in proceedings against him.” Legal 500 2015 Media & Entertainment

“Experienced in representing clients in the music industry.” Legal 500 2015 Media & Entertainment, Leading Junior

“He does a fantastic job, he is reliable, a very good drafter and a team player.” “He has strong knowledge of the field and is very pragmatic.” Chambers UK 2014 European Law

“He is very good with clients and very, very hard-working.” Chambers UK 2014 International Arbitration

“Experienced in representing clients in the music industry” Legal 500 2014 Media & Entertainment, Leading Junior

“Excellent and reliable junior: good team player, great attitude and first-class draftsman” (Legal Week)

EXAMPLES OF RECENT CASES

OLEKSANDR KLYMENKO v EUROPEAN COUNCIL Case T-494/14 (General Court of the European Union, Judgment 10 June 2016)

Application to annul EU sanctions against the former Finance Minister of the Ukraine.

MACE (RUSSIA) LTD v RETANSEL ENTERPRISES LTD & ANOR [2016] EWHS 1209 (Comm)

Anti-suit injunction to restrain continuation of Russian court proceedings brought by the parent company to a party to an LCIA arbitration.

VINERGY INTERNATIONAL (PVT) LTD v RICHMOND MERCANTILE LTD FZC [2016] EWHC 525 (Comm)

Application under section 69 Arbitration Act 1996, appealing an arbitral award for damages arising out of the supply of bitumen, on the question of whether a common law right to accept repudiatory breach was limited by a contractual termination clause.

CINTAS CORP NO. 2 v RHINO ENTERPRISES LTD & ORS [2016] (Ch D)

Seven-day trial regarding breach of warranty in an asset purchase agreement for a document storage and management business.

SENATOR GEORGIIAS V COUNCIL OF THE EUROPEAN UNION (Case C-545/14 P, Court of Justice of the European Union, Judgment 1 December 2015)

Application for damages following the annulment of EU sanctions against the former Deputy Minister for Economic Planning and Development of Zimbabwe.

CROWTHER & ANOR v RAYMENT & ANOR [2015] BUS LR 690

Application for the appointment of an arbitrator under section 18 Arbitration Act 1996 in relation to a dispute regarding the lease of a property in France. Whether the agent, a entity based in Cyprus and having been involved in managing the property for several years, could be an arbitrator and expected to act in a judicial capacity.

1967 LTD & 6 OTHERS v (1) BRITISH SKY BROADCASTING LTD (2) BRITISH TELECOMMUNICATIONS PLC (3) EE LTD (4) TALKTALK TELECOM LTD (5) VIRGIN MEDIA LTD [2015] EMLR 8

Injunctions under the Copyright, Designs and Patents Act 1988 s.97A requiring internet service providers to impede customers' access to peer-to-peer file-sharing websites. The Court held that where United Kingdom users of a website uploaded content, there was communication of copyright works, the communication was to the public, and the act of communication took place in the UK.

BROCKTON CAPITAL LLP v ATLANTIC-PACIFIC CAPITAL INC [2014] 2 Lloyd's Rep 275

Application under section 68 Arbitration Act 1996, in relation to an arbitration governed by New York law, regarding a placement agreement raising capital for a real estate fund.

(1) BARNWELL ENTERPRISES LTD (2) RISHI LTD (3) ALOK LTD (4) GNR REDDY v ECP AFRICA FII INVESTMENTS LLC [2014] 1 Lloyd's Rep 171 (Comm)

An application for interim relief in support an arbitration, restraining a party from exercising rights under a share pledge agreement where it alleged it was owed a debt under a put option agreement.

DOLPHIN GEOPHYSICAL AS v ORANTO PETROLEUM LTD [2013] EWHC 4082 (Comm)

An unconditional order for an interim payment for US\$2.8m was made under CPR r.25.7, being the minimum amount that was contractually due as an upfront payment for an oil and gas survey the applicant had carried out offshore Senegal.

(1) GUJARAT NRE COKE LTD (2) SHRI AKUN KUMAR JAGATRAMKA v COECLERICI ASIA (PTE) LTD [2013] EWHC 1987 (Comm)

Application under s.68 Arbitration Act 1996. The Court held that there was no serious irregularity in an arbitration tribunal's decision to make an award requiring two companies to repay sums owed under a payment agreement where those companies had persistently and unjustifiably failed to meet their contractual obligations to repay the sums.

(1) BRITISH AIRWAYS PLC (2) INTERNATIONAL CONSOLIDATED AIRLINES GROUP SA v (1) SINDICATO ESPANOL DE PILOTOS DE LINEAS AEREAS (2) INTERNATIONAL FEDERATION OF AIRLINE PILOTS ASSOCIATION [2013] 2 CLC 65 (Comm)

A claim by British Airways and its parent company that strikes of Spanish airline pilots organised by a Spanish trade union were unlawful as being in breach of their EU law rights to freedom of establishment and to provide cross-border services.

AL-SIRRI v SECRETARY OF STATE FOR THE HOME DEPARTMENT : DD (AFGHANISTAN) v SECRETARY OF STATE FOR THE HOME DEPARTMENT [2013] 1 AC 745 (Supreme Court)

Appeals by two asylum seekers against decisions denying them refugee status, on the basis of the Convention relating to the Status of Refugees 1951 (United Nations) art.1F(c) because there were “serious reasons” for considering that they were guilty of terrorist acts contrary to the purposes and principles of the United Nations.

ARBITRATION & RELATED COURT APPLICATIONS

International commercial arbitration, together with investment arbitration, is a focus of Iain’s practice. He is rated in the Legal 500 as a Leading Junior, as well as in Chambers & Partners UK and Chambers & Partners Global. He is widely noted for his extensive knowledge of arbitration law and practice. Chambers & Partners 2017 notes that Iain is “*Efficient, responsive, good with clients, and someone with a huge in-depth knowledge of all arbitration matters – he really is a specialist.*”

He has acted in a large number of major international arbitrations under ICC, LCIA, AAA, LMAA and other institutional regimes as well as ad hoc and under the UNCITRAL rules. Iain has been appointed as arbitrator, including in LCIA and ICC cases as sole arbitrator and as part of a panel. He has been appointed to the inaugural panel of the British Virgin Islands International Arbitration Centre (BVI IAC). Iain’s experience includes cases concerning: Foreign Investment, International Trade, Joint Ventures, Oil & Gas, Construction, Telecommunications, Conflict of laws, and cases which bi-sect with Bilateral Investment Treaty Claims (including claims arising out of concession contracts). The cases in which he has been involved are confidential and are not reported, but include the following:

- LCIA arbitration arising out of alleged breach of a pharmaceuticals distribution agreement in Serbia
- LCIA arbitration regarding coffee trading in the Ivory Coast

- LMAA arbitration regarding barge sale agreement between Indian and South American parties
- Dubai-seated arbitration arising out of breach of a placement agent agreement for private equity fundraising
- LCIA arbitration regarding a multi-billion dollar joint venture for iron ore mining in Africa
- Netherlands-seated arbitration arising out US / Dutch distribution agreement for sale of packaging products
- ICC arbitration in Australia, governed by Australian law, regarding breach of an agreement for the purchase of an iron ore mine
- Ad hoc arbitration arising out of a dispute over copper trading contracts between UK parties
- ICC arbitration in Qatar, governed by Qatari law, regarding a large scale building construction project in Doha
- ICC arbitration relating to an aviation dispute in Qatar
- ICC petroleum pipeline dispute in the Middle East, regarding a long-term pipeline operating agreement
- Joint venture partners dispute regarding construction of train network and infrastructure in the Middle East
- Arbitrations (ICC and ICSID) arising out of a bank collapse with losses exceeding US\$1 billion
- LCIA arbitration regarding private equity investments in Mumbai, combined with seeking urgent relief in the English High Court
- ICC arbitration on the trading of foodstuffs between UK and Ghanaian companies
- ICC arbitration arising out of the manufacture and supply of aircraft parts in a substantial aircraft programme
- AAA arbitration on misuse of confidential data, including seeking emergency interim relief

Iain has also acted in a significant number of arbitration appeals to the English Courts (ss.67, 68 and 69), many of which are reported, enforcement actions, as well as seeking interim relief from the English Courts (including anti-suit and anti-arbitration injunctions, and interim relief under s. 44 Arbitration Act 1996 and s.37 of the Senior Courts Act 1981).

He teaches International Commercial Arbitration and Investment Arbitration on the MA course at King's College, London.

Iain is the ICC UK Arbitration Consultant, the first English barrister to hold that post.

COMMERCIAL DISPUTE RESOLUTION

Iain has an extensive practice in commercial litigation before the English Courts, and regularly appears in the Commercial Court and Chancery Division. He has particular expertise in injunction applications, including anti-suit injunctions, freezing orders, search and disclosure orders and Norwich Pharmacal relief. His practice covers all the key areas of general contractual litigation, financial services, insurance, joint venture and shareholder disputes. Particular areas of practice include oil and gas, construction, commodities trading, banking and finance disputes, private equity and shareholder disputes, banking and finance, private equity and shareholder disputes. Iain has a considerable amount of telecoms experience. He has acted in a number of fraud and breach of fiduciary duty cases. Some examples of his most recent commercial cases are:

- Anti-suit injunction to restrain continuation of Russian court proceedings brought in breach of an arbitration agreement
- Acting for an advertising agent in a claim arising out of advertising on the London Underground
- Acting for a international mining company against its PR agency in relation to termination of a consultancy agreement and conflicts of interest by the chairman of the agency
- Acting for a joint venture partner seeking emergency interim relief to restrain a breach of a JV agreement relating to exploitation of a North Sea oil field, triggering multi-million decommissioning payments
- Resisting the enforcement of Russian judgments in England, on the grounds that their enforcement would be contrary to public policy since they perpetuated a Russian banking fraud

Iain has also appeared in the Financial Services and Markets Tribunal (now part of the Upper Tribunal), instructed by the FSA, on a number of occasions on financial regulatory matters.

EMPLOYMENT

Iain has appeared extensively over the past 10 years in the High Court and the Court of Appeal on employment matters. His practice in this area focuses on injunctions (with particular expertise in the enforcement of confidentiality obligations), restrictive covenant, bonus and contractual disputes in the High Court. Unusually, Iain has conducted two employment arbitrations between ex-employee and their City employers, in a bonus claim and a claim arising out of multiples breaches of a partnership agreement.

Examples of the cases in which Iain has been instructed include:

- Injunction proceedings for breach of confidentiality obligations by an outgoing employee in relation to confidential drawings
- Acting for a city firm in an arbitration regarding the dismissal of one of its partners and for breach of the Partnership Agreement
- Appearing in the EAT for the Respondent in an unfair dismissal and disability discrimination claim, including a detailed pension loss hearing.
- Acting for an employee in a bonus and share dispute in the QC division
- Advising on breach of restrictive covenants in a confidentiality agreement entered into in relation to a proposed business sale
- Acting for the Defendant in a bonus claim regarding alleged breach of contractual and fiduciary duties
- Appearing in the QB division for the Claimant in relation to recovery of overpaid bonuses, claim settled after first morning's hearing of Claimant's summary judgment application

EUROPEAN LAW, SANCTIONS & COMPETITION

Iain has broad experience of competition and EU cases, both in the English courts and in the General Court and Court of Justice in Luxembourg. He is recommended in the Legal 500 as a Leading Junior, and in Chambers and Partners UK and Global.

Iain has particular experience with sanctions cases in the European courts, having acted on behalf of the persons listed in restrictive measures relating to Zimbabwe and Ukraine. His experience in this area includes applications for annulment and claims for damages arising out of inclusion in the restrictive measures; and in both the General Court and the Court of Justice.

As regards Iain's competition law practice, he has been instructed by parties to both European Commission and English Competition and Market Authority enquiries. Iain co-authored the European Chapter to *Competition Law and Practice: A Review of Major Jurisdictions* published by Cameron May (with Hugh Mercer QC and Marjorie Holmes). Some examples of his cases include:

- Acting for a fashion media company in relation to a CMA merger investigation
- Acting for an airline in relation to the European Commissions' price fixing investigation, said to be party to an agreement or concerted practice for the fixing of prices in the airline cargo market. Also acted in concurrent English High court proceedings for the same airline.
- Acted for the respondent to a (then) DTI investigation into price fixing in the milk and cheese industries.

Advising a multi-national brewing company regarding competition law claims, in particular relating to potential involvement in price fixing

INVESTMENT TREATY DISPUTES

Iain has appeared as counsel in a number of investment treaty disputes within ICSID and under the UNCITRAL rules. He has particular expertise in relation to energy disputes involving oil multi-nationals, media industry disputes (such as satellite television rights holders), construction disputes (with particular experience in the Middle East and Asia) and in relation to commodity and natural resources disputes in Africa. Iain has considerable knowledge and practical experience of issues such as jurisdiction challenges, the use of MFN and umbrella clauses, expropriation claims, fair and equitable treatment claims, and claims arising from bilateral investment treaties, national investment laws and concession agreements.

Some of the recent cases in which Iain has been involved include:

- Oil pipeline dispute arising out of concession to construct and operate a pipeline system in the Middle East, subject to the UNCITRAL rules
- Dispute regarding iron ore concession contracts in Guinea; ICSID claim for US\$10 billion+ arising out of expropriation of those concessions
- UNCITRAL arbitration brought against the state, arising out of a substantial investment in a state television station
- ICSID arbitration arising from a motorway construction concession agreement in Pakistan
- Dispute (ICSID) arising from concession agreements for the exploration, development and production of oil in West Africa
- Joint venture dispute regarding a concession agreement for construction of a power plant in West African state (LCIA arbitration)
- ICSID, multi-billion dollar, arbitration arising out of state nationalisation of the largest bank in a country in the Middle East

Iain teaches investment arbitration on the MA course at King's College, London.

MEDIA, ART, ENTERTAINMENT

Iain is consistently recommended as a Leading Junior for Media, Entertainment and Sport. Chambers & Partners 2017 notes that *"He has a confident, easy style of oral advocacy and his*

written advocacy is concise. He picks up the issues very quickly”, whilst the Legal 500 2017 comments that he is “An excellent technical lawyer and advocate.”

Iain assisted Andrew Hochhauser QC acting for the late Michael Jackson in his dispute with Martin Bashir over the contents of a now notorious TV interview conducted by Bashir. He was also involved in Jordan Grand Prix v Vodafone, a high profile Formula 1 dispute involving a raft of team principals and sponsors. Since then, Iain has continued to act for and against various well known sports and media figures and organisations, including the actor Neil Morrissey, footballer Colin Kazim Richards, Super Aguri F1 team, Ascot Racecourse, Queens Park Rangers FC and interests related to Eddie Jordon.

He is also regularly instructed by the British Phonographic Institute (BPI) which represents the UK recording industry and has acted in their recent waves of s.97A applications against internet service providers.

Iain is a member of the British Association of Sport and Law (“BASL”). He is the author of *The Games of the XXX Olympiad in London – The Ad-Hoc Arbitrations* (July 2013, Sport and Law Journal), analysing the CAS arbitrations at the London 2012 Olympics.

CAREER

2002 Called to the Bar (Lincoln’s inn)

2003 Essex Court Chambers

2007 Junior Counsel to the Crown (C Panel)

2012 Junior Counsel to the Crown (B Panel)

EDUCATION

2001 LLB (First Class Hons), University of Nottingham

AWARDS

2002 Woolf Scholarship, Daily Telegraph/One Crown Office Row

2002 Hardwicke Scholarship, Lincolns Inn

2003 Megarry Pupillage Scholarship, Lincolns Inn