

## SICC Symposium 2020: Trends and Developments in International Commercial Litigation

Established in 2015, the Singapore International Commercial Court (SICC) provides parties with efficient and effective resolution of international commercial disputes. This year, the Supreme Court of Singapore will be organising the inaugural SICC Symposium with the theme “Trends and Developments in International commercial litigation”. This one-day event, to be held on 11 March 2020 at the Capitol Theatre, should be on the calendar of every transactional and disputes lawyers and in-house counsel dealing with transnational matters.

In his address at the Opening of the Legal Year (OLY) 2020, Chief Justice (CJ) Sundaresh Menon mentioned that the SICC will be organising a symposium on trends and development in international commercial litigation. He mentioned that the symposium will strengthen the SICC’s position as an effective dispute resolution venue for international parties. The symposium would feature in-depth discussions on topics such as the value propositions of commercial courts, their role in infrastructure and cross-border insolvency disputes, and the international enforcement of court judgments. The programme also includes a session outlining key features of, and user perspectives on, the new SICC procedural rules.

Come and hear from Judges of the SICC and other experts in the field of international commercial dispute resolution as they share their views and perspectives on the theme. Besides a strong showing by Singapore and International Judges, the other experts lined up include jurists such as Lord Justice Peter Gross (Court of Appeal of England and Wales) and Chief Justice James Allsop AO (Federal Court of Australia), practitioners including Mr James HM Sprayregen PC (Kirkland & Ellis) and Mr Cavinder Bull SC (Drew & Napier), and academics Prof Yeo Tiong Min SC and Prof Locknie Hsu – both from Singapore Management University School of Law.

For more information on the topics, full program and speakers as well as to register, click on [www.siccsymposium2020.sg](http://www.siccsymposium2020.sg) to bring you to the symposium site.

SICC News looks forward to welcoming you to SICC Symposium 2020!

*“... the symposium would feature in-depth discussions on topics such as the value propositions of commercial courts, their role in infrastructure and cross-border insolvency disputes, and the international enforcement of court judgments.”*

Chief Justice Sundaresh Menon  
during his OLY 2020 speech

**SINGAPORE INTERNATIONAL  
COMMERCIAL COURT SYMPOSIUM 2020**

Trends & Developments in International Commercial Litigation

Wednesday, 11 March 2020 | Capitol Theatre at 17 Stamford Road



# FEATURE

## A spotlight on AK Sikri – International Judge of the SICC

Justice Arjan Kumar Sikri is one of 18 International Judges of the SICC, appointed on 1 August 2019, and hails from India. He was a former Judge of the Supreme Court of India from April 2013 to March 2019. Prior to that, he was appointed Judge of the High Court of Delhi in July 1999 and served as the Acting Chief Justice of Delhi High Court from Oct 2011 before being elevated to the Chief Justice of Punjab and Haryana High Court in September 2012. Justice Sikri was subsequently appointed a Judge at the Supreme Court of India in April 2013. As a distinguished jurist, he issued a number of landmark judgments, particularly in the field of commercial and arbitration laws, tax laws, intellectual property matters and economic laws. He retired as the second most senior judge of the Supreme Court of India in Mar 2019.

Justice Sikri is currently a Visiting Professor at two National Law Schools in India and conducts arbitration and mediation sessions. He was conferred Doctor of Laws Honoris Causa in November 2013. In 2007, Managing Intellectual Property Association (“MIPA”) selected him as one of the 50 most influential persons in Intellectual Property in the world.

SICC News spoke with two Registered Foreign Lawyers (RFLs) of the Court from India, Mr Gaurav Pachnanda SA and Mr Vyapak Desai, both of whom had the fondest of memories of when they had to present themselves before Justice Sikri during his time as a judge in India. Mr Gaurav Pachnanda, SA said *“I had the good fortune of appearing before him in the Delhi High Court on several occasions. In those cases that I won, I would walk away with an immense sense of satisfaction that my hard work had been appreciated and those that I lost, I would walk away knowing that justice had been delivered where it was deserved.”*

Mr Gaurav SA also mentioned that *“Justice Sikri’s selection as the first Indian judge on the SICC Bench was only a result of natural progression. I am certain that as an International Judge of the SICC, not only will Justice Sikri be an excellent ambassador of India’s exceptionally talented judicial community but will also be an asset to the Singapore International Commercial Court.”*

Mr Vyapak Desai mentioned that Justice Sikri’s appointment as a Judge at SICC comes at a very crucial stage when India is at the cusp of becoming a global economic power. For the business and legal communities of the world, this will signify that the Indian legal fraternity is ready to embrace international law and practices for dispute resolution, and contribute to its advancement based on a vast extent and depth of common law jurisprudence which has grown in India over several decades. The Indian parties in the process will be confident to choose SICC as a dispute resolution forum, and Justice Sikri as a Judge a SICC will definitely forge a path to stronger interaction and relations between India and rest of the legal communities of the world.



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Mr Gaurav Pachnanda SA,  
Fountain Court Chambers

# SICC OUT & ABOUT



## Of Global Justice and Globetrotting Judges – the evolution of international dispute resolution

Justice Quentin Loh, judge-in-charge of the SICC, was invited to speak at the recent IBA Conference 2019 in Seoul. In a session entitled “Global Justice and Globetrotting Judges”, Winnie Tam SC of Des Voeux Chambers, Hong Kong SAR, deftly chaired the lively panel, which also included Justice Joseph Fok, Hong Kong Court of Final Appeal, Justice Martin Daubney AM, Supreme Court of Queensland, and Justice Ngozika Okaisabor, Customary Court of Appeal, Abuja - Nigeria. The session explored the issues associated with the administration and delivery of justice in international courts. The panel also considered the unique position of foreign judges sitting in appellate courts of domestic jurisdictions.

On Justice Loh’s part, he traced the history of the first few international commercial courts, from the English Commercial Court and the Delaware Court of Chancery, to the advent of the newer renditions of international commercial courts all around the world – starting with the Dubai International Financial Centre Courts (DIFC Courts) in 2006 to the Singapore International Commercial Court (SICC) in 2015, and the latest forum that is The International Chamber of the Paris Court of Appeal in 2019. He also highlighted a key feature of the SICC where 18 International Judges from various common law and civil law jurisdictions were appointed to the Court, sitting together with Singapore judges. He went on to explain how parties to SICC proceedings may be represented not only by Singapore-qualified lawyers, but also by foreign lawyers registered with the SICC in actions that have no substantial connection with Singapore. Additionally these registered foreign lawyers may, with leave, address the SICC and the Court of Appeal (in appeals of SICC decisions) on questions of foreign law. Coupled with the flexible procedures that parties can avail themselves with in the SICC that are commonly found in international arbitration, this made the Court a truly effective dispute resolution forum that has previously been described as “arbitration in litigation”. Justice Loh mentioned the steady growth of the number of foreign lawyers on the Register from both common law and civil law jurisdictions, which stood at just below 100.



*“International commercial courts around the world are not in competition with each other, but rather set up for different needs of each country and on the target market.”*

Ms Una Khng,  
Deputy Divisional Registrar, SICC

## The Rise of the Commercial Courts in Asia and the Middle East – from three different perspectives

On the sidelines of the IBA Conference 2019, at a seminar titled “The Rise of the Commercial Courts in Asia and the Middle East”, three International Commercial Courts from different regions came together and gave an engaging insight into the effectiveness of court-based international dispute resolution – host Qatar International Court and Dispute Resolution Centre (QICDRC) from a Middle East perspective, Singapore International Commercial Court (SICC) from an Asian perspective, and the Astana International Financial Centre Court (AIFC Court) from an Eastern European perspective.

The panel comprised Mr Christopher Grout, Registrar of QICDRC, Mr Chris Campbell-Holt, Registrar and CEO of AIFC Court, Professor Khawar Qureshi QC, Head of Chambers, McNair Chambers, Qatar and Deputy Divisional Registrar of SICC, Ms Una Khng. Ms Khng shared that the SICC was set up in 2015 to provide new options in dispute resolution and as a trusted neutral venue in Asia to address complex cross-border disputes brought about by growing trade, finance and investments in the region. She emphasised the advantage of the SICC as an alternative to arbitration was the availability of appeal and the ability to join third and related parties in multi-party/multi-contract situations.

# SICC OUT & ABOUT



## Expanding the SICC Network in Europe and India

During the last quarter of 2019, the SICC reached out to leading law practices in Milan and Frankfurt, at the same time participating in major conferences in these two cities. At the IPBA Regional Conference in Milan, the SICC presented on the recognition and enforcement of money judgments in foreign courts – be it through bilateral treaties, conventions or, as has been the case for decades, action on a judgment debt. The participants were reminded that even before the New York Convention on International Arbitration, courts have been recognising and enforcing money judgments of other courts for decades – *[for more information on how SICC judgments are enforceable in many jurisdictions, both civil and common law, you may access a “Note on enforcement of SICC judgments” at <https://go.gov/sicc-enforcement-guide-note>].*

Later, at the “7<sup>th</sup> Symposium: Law - Made in Germany Conference” held in Frankfurt, the SICC shared on how the Court was structured on an internationally-accepted framework for the resolution of international commercial disputes based on the two substantive principles of international commercial law and international best practices. This provided assurance to parties of an effective and neutral forum where disputes are adjudicated by a diverse panel of eminent international and local judges.

The SICC also embarked on a road show in New Delhi, engaging 12 major law practices and connecting with more than 100 lawyers and general counsel. The general response was positive, given the procedural flexibility at the SICC that have resulted in it being described as an “uncommon common law court” and representation by foreign counsel in offshore cases. However, a common thread running through the various discussions were the very reasonable charges at the SICC compared to other dispute resolution options where the lawyers expressed were key considerations for their clients.



## Recent Judgments

9 January 2020

DyStar Global Holdings (Singapore) Pte Ltd v Kiri Industries Ltd and others [2020] SGHC(I) 01:  
<https://go.gov.sg/sicc-judgment-2020-sghc-01>

## Registered Foreign Lawyers

As at 3 January 2020, the SICC has 100 registered foreign lawyers (RFLs) on its register. Foreign lawyers are welcome to apply to be registered with the SICC. To view the full list of RFLs and find out more about registration, please visit <https://www.sicc.gov.sg/registration-of-foreign-lawyers/foreign-lawyers>

## SICC Model Clauses

The SICC has model clauses available, including clauses for submission of disputes to the jurisdiction of the SICC (both pre- and post-dispute) and in relation to the parties’ rights of appeal. You may view them here:  
[https://www.sicc.gov.sg/docs/default-source/guide-to-the-sicc/sicc\\_model\\_clauses.pdf](https://www.sicc.gov.sg/docs/default-source/guide-to-the-sicc/sicc_model_clauses.pdf)

## Enforcement of SICC Judgments

SICC judgments are enforceable in many jurisdictions, both civil and common law. You may access a Note on enforcement of SICC judgments here:  
<https://www.sicc.gov.sg/docs/default-source/guide-to-the-sicc/sicc-enforcement-guide-sep-2018.pdf>

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Published bimonthly by  
Singapore International Commercial Court

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