

SICC OUT & ABOUT

Visit by delegates from the USAID Judicial Reform in Uzbekistan Program

Delegates from the United States Agency for International Development (USAID) Judicial Reform in Uzbekistan Program visited the SICC on 16 Jan 2020. The delegation consisted of officials from the Ministry of Justice of Uzbekistan, Tashkent International Arbitration Centre and Association of Arbitration Courts of Uzbekistan were briefed on the various alternative dispute resolution forums available in international commercial disputes. With the desire to know more about how disputes involving foreign investors are being adjudicated in Singapore, the SICC shared examples how the Court had adopted the best practices of arbitration and marries them with the merits of litigation like the availability of appeal, all in a cost-effective package amongst others.



Looking ahead for the next five years

Looking back over the past five years, several milestones were achieved by the SICC; and yet, there remains much to be done for 2020. In this Volatile Uncertain, Catastrophic and Ambiguous (VUCA) world today, the SICC would be looking to leverage technology solutions and emerging technologies for a more efficient and effective court process and justice system. There will also be deepening cooperation with other Courts in areas like capacity-building, attachments and exchanges. There is much to look forward to this year and the next five years as the SICC continues to remain focused on and committed to enhancing its position as a prime destination for international commercial dispute resolution in Asia Pacific and beyond.

Information on measures and other related matters relating to Covid-19 for Court Users and visitors to the Supreme Court & the SICC

On 3 April 2020, the Singapore Multi-Ministry Taskforce announced that an elevated set of safe distancing measures will be in place from 7 April 2020 until 4 May 2020. These enhanced measures aim to act as a circuit breaker to control the spread of COVID-19 in Singapore by minimising movements and interaction in public and private places. Information on measures and other related matters relating to Covid-19 (Corona Virus Disease 2019) for Court Users and visitors to the Supreme Court and the SICC can be found here: www.sicc.gov.sg/media/news-articles

Latest Judgments

5 February 2020
Solomon Lew v Kaikushru Shrivastava Nargolwala & others <https://go.gov.sg/sicc-judgment-2020-sghc-02>



12 February
Senda International Capital Ltd v Kiri Industries Ltd <https://go.gov.sg/sicc-judgment-2020-sgca-01>



21 February
Hai Jiao 1306 and others v Yaw Chee Siew <https://go.gov.sg/sicc-judgment-2020-sghc-03>



24 February
Quoine Pte Ltd v B2C2 Ltd <https://go.gov.sg/sicc-judgment-2020-sgca-02>



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://go.gov.sg/sicc-enforcement-guide-note-sep-2018>



Registered Foreign Lawyers

As at 31 March 2020, the SICC has 91 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://go.gov.sg/sicc-registration-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://go.gov.sg/sicc-model-clauses>



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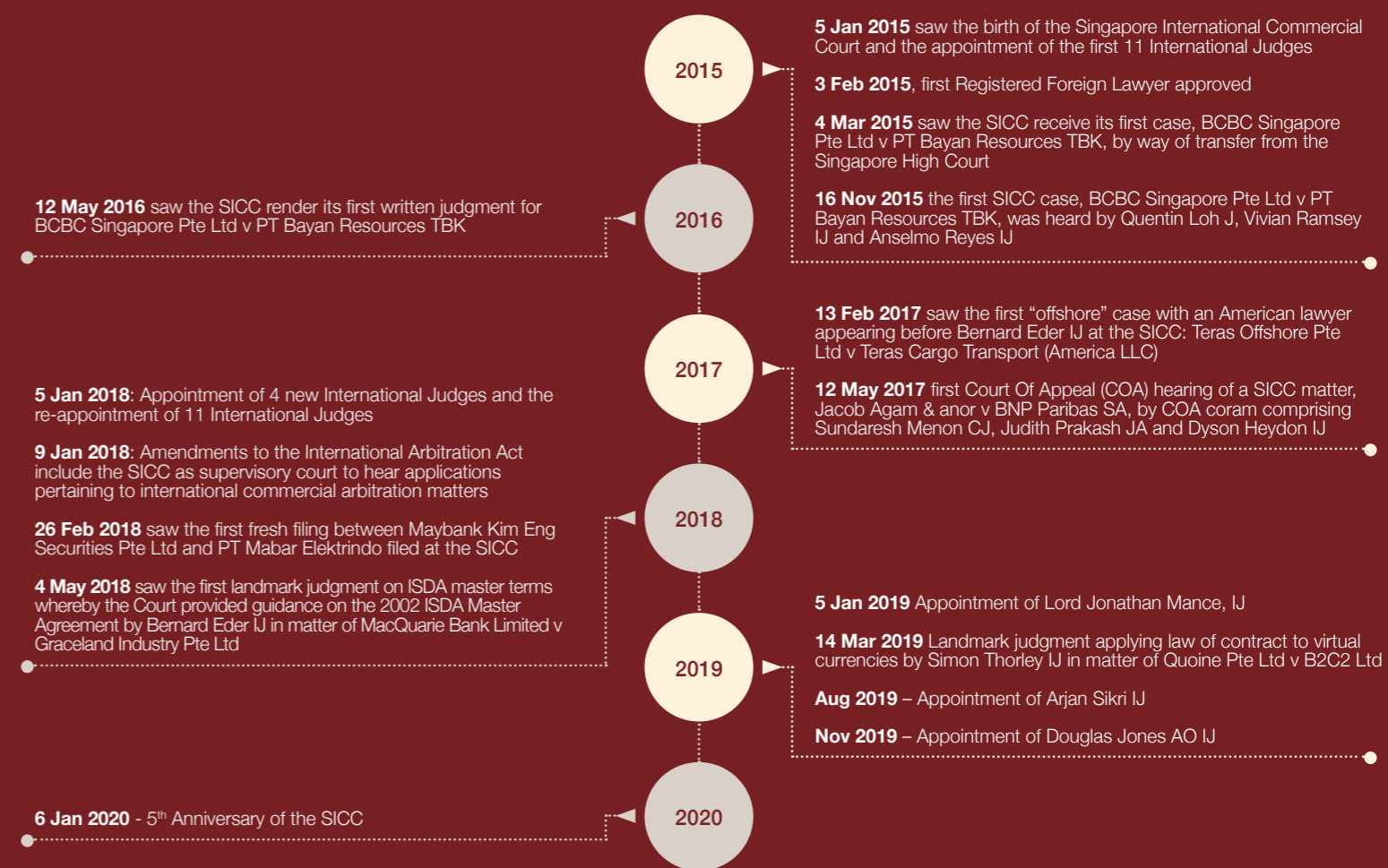
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The SICC – Five Years On



CJ and the Judges of the Supreme Court

Five years on from the launch of the Singapore International Commercial Court (SICC) in 2015, the first event on the SICC's calendar is the SICC Conference, which usually follows immediately after the Opening of the Legal Year. This year 2020 is a timely reminder of how far the SICC has progressed. The infographic traces the important and major milestones of the first five years of the SICC.



Fostering and strengthening judicial ties since 2015

The SICC continued to participate in legal conferences organised by various overseas and local legal institutions, hosted numerous overseas groups, as well as conducted numerous briefings to engage the local legal fraternity, MNCs, banks and academia.



The year 2019 in Review

Held on the 7th and 8th January, the SICC Conference is an occasion for the Singapore Bench and International Judges to come together and be updated on the progress made in the past year, discuss and assess legal developments, as well as chart the course for the year ahead. The following summarises the key updates provided at the Conference by Justice Quentin Loh, Judge-in-charge of the SICC, and Mr Phang Hsiao Chung, Divisional Registrar of the SICC.



A Snapshot of the SICC (as at 31 March 2020)



The SICC in numbers

As at the end of 2019, the SICC has a docket of some 45 cases since it was established in January 2015. Of these, 40 are matters transferred from the Singapore High Court to the SICC and five are fresh filings. Last year was especially significant for the SICC as it received 12 transferred cases and accepted four fresh filings. This resulted in 16 cases being added to its docket, the highest ever in its brief history and an increase from 12 in 2018.

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The SICC hosts visits from foreign delegates regularly, as well as presentations at conferences in Singapore and overseas. The SICC Development Team often seeks opportunities to feature the Court at various legal and corporate platforms.



Jiangsu Lawyers Association attending a talk on SICC in Supreme Court and Maxwell Chambers

Strategic Asian Focus - China

There have been many notable visits from China. Over the past few months, the SICC hosted the Jiangsu Lawyers Association and regulators from China Banking and Insurance Regulatory Commission and China Securities Regulatory Commission. Held on two separate occasions, the Jiangsu Lawyers Association and the delegation of regulators were keen to learn about the Court's unique features that include the ability to join related parties and the flexible option of applying for confidentiality in proceedings. Both the delegations were also pleased to know about the Memorandum of Guidance on the Enforcement of Money Judgments in commercial cases with the Supreme People's Court of the People's Republic of China, a significant agreement for both judiciaries and a major boost in confidence levels of business – especially those along the Belt and Road Initiative (BRI).

As BRI projects involve cross-border, high value and



Regulators from China Banking and Insurance Regulatory Commission and China Securities Regulatory Commission



Discussions with the Silk Road Fund

long-term investments, there will inevitably be some political and financial risks, operational challenges and differences in systems and practices. While businesses seek cooperation, they need to also plan for disputes. Agreeing in advance on how disputes will be resolved should they arise can strengthen trust and further co-operation. In this regard, the SICC was invited by Infrastructure Asia to participate at the Infrastructure Dispute Resolution Forum in Beijing on 19 December 2019. The forum provided a platform for the exchange of views on mechanisms to manage and resolve infrastructure disputes in the region with the suite of alternative dispute resolutions available to the attendees.

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case before the SICC, incorporating SICC rules. The preliminary round and quarter-finals were based on a first-instance hearing before the SICC and the semi-finals and final round were based on an appeal from the SICC to the Singapore Court of Appeal. The finals were judged by Justice Steven Chong, Judge of Appeal - Supreme Court of Singapore, YA Datuk Nallini Pathmanathan, Federal Judge of Malaysia, and Mr Andrew Hochhauser, QC. The team from the Supreme Court of Singapore, comprising Justice Law Clerks Mr Dennis Saw and Mr Daniel Ho, came up tops in the competition.

The moot itself, incorporating the SICC rules and the involvement of international teams, is indicative of the rise of international commercial courts as a viable option for international dispute resolution.



Ms Nadine Debbas Achkar (middle besides Mr Laurence Wong, Senior Director Business Development SICC) with students from the New York University Law School-Abu Dhabi Campus

On 21 January 2020, the SICC hosted 15 students and lecturers from New York University Law School – Abu Dhabi campus. They were given insights into the differences between this “uncommon common law court” and international arbitration. In an engaging session, the students came away with a better understanding of the advantages and disadvantages of these two methods of dispute resolution. In particular, the presentation highlighted certain key features of the SICC, namely its world-class judiciary, the right of appeal, the possibility for parties to be represented by foreign lawyers, the procedural flexibility afforded parties, and the ability to join third parties.

“... the presentation highlighted certain key features of the SICC, namely its world-class judiciary, the right of appeal to the Singapore Court of Appeals, the possibility for parties to be represented by foreign lawyers, the procedural flexibility afforded parties, and the ability to join third parties.”

Ms Nadine Debbas Achkar
– New York University; Abu Dhabi

Separately, the SICC was kept busy as it ended the year with 50 written judgments. The Court of Appeal continued the momentum from its first written judgment on an SICC matter back in 2017 to nine written judgments on appeals on SICC judgments.

In addition, true to its vision of being an international court, the number of Registered Foreign Lawyers (RFLs) continued to increase at a steady pace. As at 31 March 2020, the SICC has 91 RFLs on its register (including 23 Queen’s Counsels, four Senior Counsel and one Senior Advocate). This is evidence of the legal community’s recognition and endorsement of the SICC as a trusted and neutral venue for transnational commercial disputes.



Professor Catherine Rogers, Chair of the ICCA-Queen Mary Task Force on Third-Party Funding, addressing the SICC Conference via video conferencing from California



International Judges putting across their views

Updates in SICC rules and procedures

Effective 22 July 2019, the SICC Practice Directions were amended to address issues that had arisen during the course of day-to-day operations and case management - amongst others, cessation of communication by facsimile transmission, permitting communication with external parties by electronic devices during hearings in open court, restating when skeletal arguments for appeals before the Court of Appeal were to be filed, and provision for applications before the Court of Appeal.

Also presented at the Conference was an update on the new standalone procedural rules for the SICC. The SICC Registry conducted a closed-consultation with certain focus groups. Selected registered foreign lawyers and foreign academics were invited to provide written comments. Consultation meetings were also conducted with the Law Society of Singapore, the Forum of Senior Counsel, the Singapore Corporate Counsel Association and other interested parties.

Professor Douglas Jones joins the SICC Bench

Justice Douglas Samuel Jones AO was appointed an International Judge (IJ) of the SICC on 1 November 2019. Justice Jones, who hails from Australia, is highly regarded as an international arbitrator, particularly in construction disputes. Chambers Asia Pacific had recognised him as the leading Asia Pacific Arbitrator for construction disputes. In June 2012, in recognition for his distinguished service to the law as a leader in the areas of arbitration and dispute resolution, to policy reform, and to national and international professional organisations, he was appointed an Officer of the Order of Australia – hence the designation “AO” after his name. This year, in “Who’s Who Legal 2020 Thought Leaders Global Elite – Arbitration”, Justice Jones was identified as “an absolute star among construction arbitrators”, with an exceptional international reputation. He has published and spoken extensively in his areas of specialty and holds professorial appointments at a London university and two Australian universities.

With Justice Douglas Jones’ appointment, the SICC now has 18 IJs from both common law and civil law backgrounds.



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Chief Justice Sundaresh Menon speaking with H.E. Marc Abensour, Ambassador of France to Singapore and participants of the Singapore-France Legal Symposium

Foreign representation in the SICC

The first-ever France-Singapore Legal Symposium, supported by a large French delegation comprising members of the Paris Bar Association, Paris City of Law, French Patent and Trademark Attorneys Institute and Paris Europlace, took place on 17 January 2020 at the Supreme Court Auditorium. Chief Justice Sundaresh Menon gave the opening remarks at the symposium which was aimed at generating greater awareness of French and Singapore laws as key platforms for doing business in Europe, Asia and beyond. The symposium also discussed, amongst other things, the role of Paris and Singapore as global hubs for commercial dispute resolution, as well as leading trends and developments in modern dispute resolution – all of which the SICC is a major player. Mr Lucas Nicolet-Serra, who is registered with both the Singapore International Commercial Court and the Paris Court of Appeal, said that “Both jurisdictions have been creative and visionary in setting up dedicated chambers to deal with international disputes. The convergence of the commercial laws of France and Singapore are crucial in our globalized world and I am delighted to participate in the efforts of both countries in the pursuit of better international justice”. In the closing remarks of the symposium, French Ambassador to Singapore, H.E. Marc Abensour, also expressed his appreciation to the Chief Justice for driving the idea they had earlier shared for closer links between French and Singapore lawyers, and who had proposed to explore the possibility of allowing more French lawyers to plead before the SICC.

“What most business people want is a neutral and competent Judge, or Judges, relying on expert witnesses to bring in the necessary non-legal expertise if required..”

Mr Philippe Girard Foley
Girard Foley & Associates

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Moderator and speakers of the panel discussion on business opportunities between France and Singapore and how both countries position themselves as gateways to Europe and Asia



Justice Loh presenting to the delegation who visited the SICC

Immediately following the Symposium, the French delegation visited the SICC to acquaint themselves with the unique features of the SICC and to consider how they could represent their clients in the Court. Justice Quentin Loh, Judge-in-charge of the SICC, apprised the visiting delegation of the ideation leading to the setting-up of the SICC and shed light on the flexibility of its court procedures, such as the determination of foreign law through submissions by foreign counsel. Present at the very interactive session were two French Registered Foreign Lawyers (RFLs) of the SICC, Mr Philippe Girard Foley and Mr Lucas Nicolet-Serra, who have been in the RFL Register since 2019. Mr Foley affirmed that the attendees had gone away with a better understanding of the SICC as a viable alternative to arbitration. He went on to mention “What most business people want is a neutral and competent Judge, or Judges, relying on expert witnesses to bring in the necessary non-legal expertise if required..” which is one of the key features of the SICC. Agreeing, Mr Nicolet-Serra added that “having access to a panel of international judges with vast experience in international dispute resolution is a key feature of the SICC that guarantees the independence and the quality of the functioning of the court” and that the comprehensive briefing had left the French delegation intrigued by the flexible features offered by the Court and the party-autonomy provided - all aimed at establishing international best practices in dispute resolution.

“Having access to a panel of international judges with vast experience in international dispute resolution is a key feature of the SICC that guarantees the independence and the quality of the functioning of the court”

Mr Lucas Nicolet-Serra
Simmons & Simmons



The SICC and Academia

Besides reaching out to the local and foreign delegates, there has been much interest from academia as well.

On 8 January 2020, Essex Court Chambers (ECC) and the Singapore Academy of Law (SAL) co-organised the 9th ECC-SAL International Mooting Competition 2020. 24 teams took part in the competition, with eight of the teams from Malaysia, Brunei, Hong Kong, India, China and Australia. Moving away from the typical moot format of a case heard on appeal from a lower court, this was the first time that the moot problem was based on a fictional