

# Alexander Layton KC

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Languages: French (conversational); German (conversational)



## Overview

Alex is a specialist in private international law with more than 45 years' experience as a barrister and arbitrator. He now sits as an arbitrator in international commercial arbitrations both in the UK and abroad.

His practice as a barrister until 2023 consisted almost entirely of cross-border disputes over a wide range of commercial and other matters, including aspects of public international law and state immunity, appearing in courts at every level in England and in the European Court of Justice. He was admitted ad hoc to the Bars of Bermuda and the Cayman Islands.

Alex has given expert evidence on English and European law for proceedings in Europe, Russia, Canada, Latin America and the US. He has also lectured on topics of European and international law in Britain, Europe and the US. Alex was a Visiting Fellow of New York University's Center for Transnational Litigation and Commercial Law in 2011 and 2018. He is currently a Visiting Professor at King's College London, where he has taught private international law for several years. Alex is also a member of the Advisory Boards of the Journal of Private International Law and Oxford University's Institute of European and Comparative Law and a trustee of the Academy of European Law in Germany.

He was appointed an Assistant Recorder in 1998 and a Recorder in 2000, sitting in both civil and criminal jurisdictions and he sat as a Deputy High Court Judge. He is a Bencher of the Middle Temple.

## Publications

- "Shadows and Illusions in European Private International Law: Reflections on Reflexive Effect" in Barrett, Rageade, Wallis & Weils (eds), *The Future of Legal Europe: Will We Trust in It?* (Springer, 2021)
- "Cross-border civil litigation: the new normal" (with Andrew Dinsmore) (2021) 171 *NLJ* 7922
- "Interim Measures in English Law and their Circulation" XXI (2019/2020) *YbPIL*
- "Arbitration and Anti-Suit Injunctions under EU Law" in Ferrari (ed), *The Impact of EU Law on International and Commercial Arbitration* (NYU, 2017)
- Contributor to *Encyclopaedia of Private International Law* (Edward Elgar, 2017)
- "Anti-Arbitration Injunctions and Anti-Suit Injunctions: An Anglo-European Perspective" in Ferrari (ed), *Forum Shopping in the International Commercial Arbitration Context* (2103)
- "Collective Redress: Policy Objectives and Practical Problems" in Fairgrieve & Lein (eds) *Extraterritoriality and Collective Redress* (OUP, 2012)
- "The Brussels I Regulation in the

## Education

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- Faculté Internationale pour l'Enseignement de Droit Comparé in Strasbourg and Pescara (1975)
- Ludwig-Maximilian Universität Munich (1975)
- University of Oxford, Brasenose College (1974)

International Legal Order: Some reflections on Reflectiveness" in Lein (ed) *The Brussels I Review Proposal Uncovered* (2012)

- "The Prohibition on Anti-Suit Injunctions and the Relationship between European Rules on Jurisdiction and Domestic Rules on Procedure" in de Vareilles-Sommières (ed), *Forum Shopping in the European Judicial Area* (Sellier, 2007)
- "Extraterritorial Jurisdiction – European Responses" (with Angharad Parry) (2004) 26 *Houston Journal of International Law* 309
- General editor of *European Civil Practice* (Sweet & Maxwell 1989, 2004)
- Co-Editor, *Comparative Confidentiality in Psychoanalysis* (BIICL, 2004)
- "Practice Direction – Commercial Court (Comment)" C.P.N. 1999, 3(May), 9
- "Practice Direction – Service out of the Jurisdiction (Comment)" C.P.N. 1999, 5(Jun), 11
- Contributor, *Practitioners' Handbook of EC Law* (Bar Council, 1998)
- "The Interpretation of the Brussels Convention by the European Court and English Courts" (1992) 11 *CJQ* 28
- "Private international law of tort and product liability: jurisdiction, applicable law and extraterritorial protective measures" (1992) 41 *ICLQ* 954
- "Civil Jurisdiction: The European Dimension" in *Counsel* (November 1990)
- "Trade Unions' Political Objects" (1985) 82 *LS Guardian Gazette* 3069
- "Examination of the Principal Provisions of the 1982 Act with Reference to Decided Cases" in *Jurisdiction and the Enforcement of Judgments in Europe* (College of Law, 1985)
- *Recent Developments in the Law Relating to Damages with Particular Reference to Professional Claims* (with M. Turner QC) (Law Society, 1981)
- Contributor, Hazell (ed) *The Bar on Trial* (Quartet Book, 1977)

## Professional memberships

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- Academy of European Law: Trustee
- Bar European Group: former Chairman
- British Institute of International and Comparative Law: Chairman of the Board of Trustees (2005–2011)
- British-German Jurists Association: former Chairman
- CIArb: Fellow
- Commercial Bar Association
- London Common Law and Commercial Bar Association

- 'Future perspectives on the European law of civil procedure': Court of Justice of the European Union (28 September 2018).
- 'Provisional measures in cross border cases - English Law perspective': University of Lausanne (1 November 2017).
- 'Brexit: Legal Consequences for the EU - Continuation of application of EU Law': ERA, Brussels (29 September 2017).

## Example cases

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- *Conversant Wireless Licensing Sàrl v Huawei Technologies Co Ltd* [2019] EWCA Civ 38 [2018] EWHC 1216 (Ch): anti-competitive practices - EU law - fair, reasonable and non-discriminatory terms - forum non conveniens - infringement - justiciability - mobile telephony - service out of the jurisdiction - service - standard - essential patents - striking out - third parties - transfer - undertakings.
- *Eli Lilly and Co v Genentech Inc* [2017] EWHC 3104 (Pat): declarations of non-infringement - European patents - forum non conveniens - jurisdiction - revocation - service out of jurisdiction - validity.
- *Sabbagh v Khoury* [2017] EWCA Civ 1120; [2014] EWHC 3233 (Comm): arbitration clauses - jurisdiction - misappropriation - share ownership - stay of proceedings - striking out - succession.
- *Chugai Pharmaceutical Co Ltd v UCB Pharma SA* [2017] EWHC 1216 (Pat): act of state - jurisdiction - jurisdiction clauses - licensing agreements - patents - pharmaceuticals - royalties - striking out - summary judgments - validity.
- *Fujifilm Kyowa Kirin Biologics Co Ltd v Abbvie Biotechnology Ltd* [2016] EWHC 2204 (Pat): anti-suit injunctions - declarations of non-infringement - European patents - patent grant - pharmaceutical industry - revocation - service out of jurisdiction - summary judgments.
- *Axa Corporate Solutions Assurance SA v Weir Services Australia Pty Ltd* [2016] EWHC 904 (Comm): anti-suit injunctions - conflict of laws - forum non conveniens - global insurance - indemnities - jurisdiction - liability insurance - parallel proceedings - service out of jurisdiction.
- *XL Insurance Co SE v AXA Corporate Solutions Assurance* [2015] EWHC 3431 (Comm): Brussels I (Recast) regulation - allocation of jurisdiction - equitable contribution - insurance companies - payments - torts.
- *Cox v Ergo Versicherung* [2014] UKSC 22: applicable law - dependency claims - fatal accident claims - maintenance - measure of damages - mitigation - territorial application.
- *Ocesa Pipeline Litigation* [2016] EWHC 1699 (TCC): Colombia - compensatory damages - expert witnesses - foreign jurisdictions - group litigation - landowners - oil - pipelines - schedule of expenses and losses - witnesses.
- *Allianz SpA v West Tankers Inc* (C-185/07) EU:C:2009:69 [2009] 1 AC 1138: anti-suit injunctions - arbitration - EU law - jurisdiction.