

Professor Hi-Taek Shin

CALL: 1977 (KOREA)

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Languages: Korean (fluent); Japanese (conversational)



Overview

Professor Hi-Taek Shin is a full-time arbitrator based in Seoul, Korea. He accepts appointments as arbitrator in international commercial and investment disputes.

He has unique experience combining a successful career as counsel, academic and arbitrator, as well as in the public service. Until 2007, he had long been a partner at Kim & Chang, a leading Korean law firm, specialising in cross-border transactions, including mergers and acquisitions, joint ventures and shareholders' agreements, various commercial transactions and the resolution of disputes arising from such transactions. Since 2007, he has been teaching on international business transactions and the resolution of investment disputes arising from cross-border transactions at Seoul National University School of Law. From 2016 to 2019, he served as the Chairman of the Korea Trade Commission – the trade-remedy authorities of the Korean Government.

Hi-Taek's professional expertise includes international investments and business transactions, purchase and sale of corporate entities and assets, joint ventures and shareholder agreements, distribution, agency, licensing and franchising contracts, financial transactions including derivatives, research and development of new pharmaceutical products, and arbitrations arising out of such transactions. He also has expertise in complicated disputes in the energy, infrastructure, construction projects and defence industries.

He has been appointed as a sole, presiding and co-arbitrator in international commercial arbitrations under the rules of major international arbitral institutions. He is on the panel of arbitrators of HKIAC, AAA/ICDR, ICSID, JCAA, KCAB, SCIA, SIAC and THAC. He is

Recent publications

Below are recent examples and a full list is available upon request:

- 'Balancing the Protection of Foreign Investors and States' Responses in the Post-Pandemic World: Perspectives from Korea (Hi-Taek Shin & Sue Hyun Lim)', a chapter in *Balancing the Protection of Foreign Investors and States Responses in the Post-Pandemic World*, Wolters Kluwer, 2022.
- 'The Potential for Arbitrators to Also Act as Mediators for Facilitating Settlement of Disputes', in *Proceedings UNCITRAL Working Group III, Virtual Pre-intersessional Meeting, 9 November 2020, Hong Kong SAR, China: The Use of Mediation in ISDS* (Asian Academy of International Law Cambridge University Press).
- Korean chapter in *The UNCITRAL Model Law and Asian Arbitration Laws* (G. Bell ed., 2018, Cambridge University Press).
- Annulment, in *Building International Investment Law, The First 50 Years of ICSID* (Meg Kinnear et. al. eds, 2016)
- 'Korea's Experience with International

also listed on the general list of Neutrals of the WIPO. He is a member of International Commercial Expert Committee, Supreme People's Court of China. He is also listed as a mediator of SIMC.

From 2018–2022, Hi-Taek served as the Chairman of KCAB INTERNATIONAL, Korean Commercial Arbitration Board's international division.

Education

- Yale Law School, New Haven, CT, US: LL.M (1983) J.S.D. (1990)
- Graduate School, Seoul National University, Seoul, Korea LL.M. (1981)
- Judicial Research and Training Institute, Supreme Court of Korea (1975-1977, *summa cum laude*)
- College of Law, Seoul National University: LL.B (1975, *summa cum laude*)

Investment Agreements and Investor-State Dispute Settlement', *The Journal of World Investment & Trade* 16 (2015) (co-author).

- The Regionalization of Investment Treaty Arrangements: Developments and Implications, Investment Treaty Law Current Issues V, British Institute of International and Comparative Law (2014).
- International Investment Arbitration and Public Policy: Review of Recent Arbitral Awards and Decisions (in Korean, co-editor, Seoul National University Press, 2014).
- UNCITRAL Arbitration Rules and the Investment Treaty Arbitration Practice (in Korean, 2013).
- Korean chapter in 'Commentaries on Selected Model Investment Treaties' (*Oxford Commentaries on International Law* (C. Brown ed., 2013).
- 'The Domestic Decision-making Process and Its Implications for International Commitments', *Yale Journal of International Law*, Vol. 34
- Korean chapter in 'International Product Liability Law: A Worldwide Desk Reference' (co-author, 2003).

Professional memberships

Panel memberships

- BAC/BIAC Panel of Arbitrators for International Investment Arbitration
- Hainan International Arbitration Court
- Hong Kong International Arbitration Centre (HKIAC)
- ICDR (International Centre for Dispute Resolution) International Panel of Arbitrators
- ICSID Panel of Arbitrators
- Japan Commercial Arbitration Association Candidate for Arbitrators
- Qingdao Arbitration Commission
- Shenzhen Court of International Arbitration (SCIA) Panel of Arbitrators
- Singapore International Arbitration Centre (SIAC) Panel of Arbitrators
- Thailand Arbitration Center (THAC) Panel of Arbitrators
- World Intellectual Property Organization (WIPO) List of Arbitrators

Professional associations

- ICCA Governing Board member
- Arbitrator, Hong Kong International Arbitration Centre
- Arbitrator, ICDR/AAA

- Arbitrator, Japan Commercial Arbitration Center (JCAA)
- Arbitrator, Korean Commercial Arbitration Board (KCAB) (from April 2018 to July 2022).
- Arbitrator, Singapore International Arbitration Centre
- Arbitrator, Shenzhen International Court of Arbitration
- Arbitrator, Thailand Arbitration Center
- Korea Trade Commission (2016 – 2019)
- Member, ICSID Panel of Arbitrators designated by Republic of Korea (2009-present)
- Member, International Advisory Board of Vienna International Arbitration Centre
- Member, International Commercial Expert Committee, Supreme People's Court of China
- LCIA Users' Council
- SIAC Users' Council
- Seoul National University School of Law, Professor (2007 – 2017)
- International Bar Association
- American Society of International Law

Lectures / talks

- Seoul International Arbitration Academy (2017 – 2019)
- Arbitration Academy (Paris): Investment Treaty Practice of China, Japan and Korea (2012)

Arbitration experience

Commercial law (including Provision of Services & Agency) disputes

- Arbitration in a commercial agency dispute between an American party and a Korean party under ICC Rules (sole arbitrator).
- Arbitration between a Korean party and a US party in hotel management dispute under HKIAC Rules (co-arbitrator).
- Arbitration between a Korean manufacturer and its European distributor in a commercial dispute under KCAB INTERNATIONAL Rules (co-arbitrator).
- Arbitration between an UAE party and a Chinese party in a commercial claim under ICC Rules (President).
- Arbitration between an Australian party and a Japanese party involving a dispute relating to a research project under ICC Rules (sole arbitrator).

M&A and shareholder disputes

- Arbitration involving a multibillion claim between international private equity funds in an M&A related dispute under HKIAC Rules (co-arbitrator).

- Arbitration in a post-M&A dispute between a Chinese party and an Italian party under ICC Rules (co-arbitrator).
- Arbitration between an Oman party and a Korean party in a joint venture dispute under SIAC Rules (co-arbitrator).
- Arbitration between a German party and a Korean party involving shareholder disputes in a joint venture company under KCAB INTERNATIONAL Rules (co-arbitrator).
- Arbitration between a Japanese party and a Mongolian partner in a joint venture dispute under SIAC Rules (sole arbitrator).
- Represented a European party in a shareholder dispute with a Korean joint venture partner under ICC Rules.
- Represented a Korean manufacturer in a shareholder dispute with Brazilian partners under ICC Rules.
- Advised private equity funds in their disputes relating to exercise of options with controlling shareholders.

Energy disputes

- Arbitration in a renewable energy related dispute between European parties under the ICC Rules (co-arbitrator).
- Arbitration between an American party and a Japanese party in the energy sector under SIAC Rules (President).
- Arbitration between a Swiss party and a Korean party in a dispute involving a coal supply contract for power plants under SIAC Rules (co-arbitrator).

Banking & financial services disputes

- Represented a US investment bank in a multi-billion-dollar dispute arising from derivative transactions.
- Represented a US investment bank in a dispute with a Korean party.
- Oversight over a Korean bank's claim against a US investment bank before a US court.

Pharmaceutical, Life sciences & Healthcare disputes

- Arbitration between a Japanese company and a Korean company involving licensing of new pharmaceutical products under ICC Rules (co-arbitrator).

Defense procurement disputes:

- Arbitration between an American defense contractor and the Korean Government in a dispute relating to defense procurement under KCAB INTERNATIONAL Rules (Chairman).
- Represented a US defense contractor in defense of a product liability claim from a state party.
- Represented a US defense contractor in the aviation industry in a contract claim dispute with a state party.
- Represented a US defense contractor in a dispute with its agent under ICC Rules.

Construction & infrastructure disputes

- Arbitration between a French sub-contractor and a major Korean construction company relating to construction of infrastructure projects in a Mid-East state under KCAB INTERNATIONAL Rules (co-arbitrator).
- Represented a major Korean construction company (sub-contractor) in a dispute with the main contractor in a Mid-East project under ICC Rules.

Investment treaty disputes

- Arbitration under ICSID Convention (original proceedings) involving a dispute in a manufacturing sector between a Dutch

investor and Latin American state (President).

- Arbitration under ICSID Convention (original proceedings) involving a dispute in renewable energy sector between a Japanese investor and a European state (President).
- Annulment proceedings under ICSID Convention involving renewable energy disputes between a European investor and a European State.
- Annulment proceedings under ICSID Convention involving disputes relating to service contracts between a European investor and a European State.
- Annulment proceedings under ICSID Convention involving disputes relating to construction contracts between a Turkish investor and an Asian State.
- Annulment proceedings under ICSID Convention involving disputes relating to financial sector between a European investor and a European State.
- Annulment proceedings under ICSID Convention involving disputes relating to service contracts between a European investor and a State in South America.
- Annulment proceedings under ICSID Convention involving a dispute relating to the manufacturing industry between a European investor and a European State.