



## Nicholas Peacock

Independent Arbitrator & Advocate

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Admission: England & Wales (Solicitor: 1999, Solicitor-Advocate: 2003)

Nick is an experienced English law qualified solicitor-advocate specialising in international arbitration. His practice combines advisory work, acting as advocate/counsel, and sitting as arbitrator.

Nick is based in London, having previously also been based in Singapore. He has 24 years' experience advising and acting for parties including 16 years as a partner of international law firms Herbert Smith Freehills (London and Singapore) and Bird & Bird (London).

Nick advises and acts on both commercial and investment arbitration across a range of industry sectors including in particular energy and power, infrastructure, technology, financial services, pharmaceuticals, manufacturing, transport and leisure, and aviation.

Nick has appeared as counsel (advocate) before arbitral tribunals seated in multiple jurisdictions worldwide.

Nick sits as arbitrator both sole or as part of a 3-person tribunal. He has sat as arbitrator under various institutional rules (ICC, SIAC, and LCIA) and ad hoc (including under UNCITRAL rules). He has also acted as an English law expert for foreign court proceedings to enforce arbitration awards and in expert determination.

Nick is a writer and commentator on a variety of dispute resolution topics, in particular in the areas of commercial and investment arbitration, and choice of law and forum in cross-border transactions. He is a member of the ICC UK Arbitration and ADR Committee, a Users' Council member of the Singapore International Arbitration Centre, and a Council member for the Mumbai Centre for International Arbitration, amongst other roles.

# Recent Highlights

## As Counsel

Acting for a major tech company on two combined LCIA arbitrations (London seat, English law) regarding the sale and distribution of tablet computers within India.

Acting for a Russian investment bank on an ICC arbitration (London seat, English law) regarding a joint venture in the Russian real-estate market, including appearing in the London Commercial Court to successfully defend a challenge to the final award.

Acting for a global rental car company on ICC arbitration (London seat, English law) regarding the licensing and use of rental car brands across EMEA.

Acting for Vedanta Resources on arbitration under the UK-India Bilateral Investment Treaty (Singapore seat, international law) arising from the imposition of retrospective tax by the Indian tax authorities.

Acting for a UK media group on arbitration under the Independent Film and Television Association (IFTA) arbitration rules (London seat, Californian law) in relation to the distribution rights for a Hollywood film.

Acting for a multinational generic and speciality pharmaceutical maker on ICC arbitration (London seat, English law) regarding the development and regulatory approval of a generic drug for sale in the US, Europe, Australia and elsewhere.

## As Arbitrator

Co-arbitrator on an ad hoc arbitration conducted under the UNCITRAL Rules (London seat, English law) regarding the supply of drill bits and accessories in the oil and gas sector.

Sole arbitrator on an LCIA arbitration (Mauritius seat, Mauritius law) regarding disputes between shareholders on the formation and management of a venture to manage port operations in Ghana

Co-arbitrator in an ICC arbitration (Singapore seat, Singapore law) regarding payments due under a technology license agreement in the marine sector.

Sole arbitrator on a SIAC expedited arbitration (Bangalore seat, Indian law) regarding the performance of a contract for the provision of IT development services between the UAE and India, including managing the procedural conduct to ensure delivery of a final award within 6 months of appointment.

Co-arbitrator on an LCIA arbitration (London seat, English law) regarding the sale of shares in an LNG business in Africa, including an application for consolidation with a parallel arbitration.

Sole arbitrator on an ad hoc arbitration conducted pursuant to the arbitration rules of the (Indian) Arbitration & Conciliation Act 1996 (Delaware seat, Delaware law) regarding a business in the healthcare sector.

# Career

## Bird & Bird LLP

2021 - 2024 | Partner, International Dispute Resolution; Head of London Arbitration practice

2022 - 2024 | Co-Head India Group

## Herbert Smith Freehills LLP (previously Herbert Smith)

2007 - 2021 | Partner, Litigation & Arbitration

2012 - 2021 | Head of India Disputes practice

2009 - 2012 | Head of Singapore International Arbitration practice

1999 - 2007 | Associate (Litigation & Arbitration)

1997 - 1999 | Trainee solicitor

# Education

1991-1994 | University of Oxford, BA (Hons), Modern History

1995-1997 | Nottingham Law School, Post-Graduate Diploma in Law & Legal Practice Course

2007-2008 | King's College London, Diploma in EU Competition Law

# Appointments

Member of the ICC UK Arbitration and ADR Committee.

Users' Council Member for the Singapore International Arbitration Centre (SIAC).

Council Member for the Mumbai Centre for International Arbitration (MCIA).

Inter-Pacific Bar Association (IPBA) Steering Committee Member for Guidelines on Privilege and Attorney Secrecy in International Arbitration.

Non-Executive Director at the International Dispute Resolution Centre (IDRC), London.

Panel Arbitrator: SIAC, Asian International Arbitration Centre (AIAC), Japan Commercial Arbitration Association (JCAA), Maldives International Arbitration Centre (MIAC), Badan Arbitrase Nasional Indonesia (BANI).

Appointed under rules of the ICC, LCIA, SIAC and ad hoc (including UNCITRAL).

## Accolades

### Directory Rankings

#### Who's Who Legal

- Recommended – Arbitration 2024
- Thought Leader – Arbitration 2024

#### Chambers UK 2024: Dispute Resolution: International Arbitration – UK

- Band 4 individual

#### Legal 500 2024 – UK Solicitors – London

- Leading Individual – International Arbitration

#### Benchmark Litigation Europe 2023

- Litigation Star – Arbitration

#### India Business Law Journal: 2023

- "A List" - Top 100 international lawyers for India-related matters

#### Chambers Global 2024 & Chambers Asia-Pacific 2024: Dispute Resolution – India

- India expertise based abroad

## Selected Quotes

### Chambers UK 2024

Nicholas Peacock comes recommended for his expert handling of commercial disputes, acting for clients in the oil and gas, financial services and aerospace sectors. He is particularly recognised for his work with European and African entities. *"He's a real workhorse and leave no stone unturned"; "Nick has a thorough understanding of the key issues and presents solutions in a simple, business-friendly manner."*

### Chambers Global 2023

*"Based in London, he offers expertise in investor-state arbitrations and is well known for his contribution to the Indian market."*

### Chambers AsiaPacific 2024

Nicholas Peacock *"enjoys a strong reputation for his commercial experience."*

### Legal500 UK Solicitors 2021

Recommended for IT & Telecoms: *"Nicholas Peacock is aware of the ground realities when dealing with a matter and provides workable solutions. He is capable of gaining client confidence very quickly and draws equal measure of respect from the other side."*

### Legal500 AsiaPacific 2020

*'Exceptional lawyer'* Nicholas Peacock *"is always on top of the matter. He is clear headed and articulate in his thinking as well as presentation of matter."*

### Chambers Global 2018

Nicholas Peacock is a highly experienced dispute resolution practitioner. He has a wealth of international expertise, having handled matters in India, South-East Asia and Scandinavia.

### Chambers Asia-Pacific 2018

London-based Nicholas Peacock is recognised by one source as a *"solid and amiable lawyer with an active practice especially in investment treaty arbitration."* In one recent example, he advised Vedanta Resources on its USD3.3 billion BIT claim against the government of India. A market commentator notes: *"He is easy to work with and thinks outside of the box. He simplifies complex scenarios and has a firm grasp on international law. He is well versed from the smallest technical detail to the macro issues."*

## Chambers Asia-Pacific 2017

London-based Nicholas Peacock has an excellent reputation for big-ticket arbitration work. An interviewee enthuses: *"I rank him extremely highly for leadership skills, legal knowledge and industry knowledge, as well as for his incisive, well-calibrated approach and high levels of endurance."*

## Chambers Global 2017

Sources say that Nicholas Peacock is *"the nicest guy to work with, completely client-focused and intelligent."*

# Experience by Sector

## Technology, Media & Communications

Acting for a major tech company on two combined LCIA arbitrations (London seat, English law) regarding the sale and distribution of tablet computers within India.

Acting for an Asian telecoms company on a joint venture dispute and parallel arbitrations in India (ad hoc) and the UK (LCIA) concerning the ownership interests in an Indian mobile telephone network.

Acting for a UK media group on arbitration under the Independent Film and Television Association (IFTA) arbitration rules (London seat, Californian law) in relation to the distribution rights for a Hollywood film.

Acting for an Indian telecommunications company on a long-running ICC arbitration (Hague seat, New York law) in relation to the upgrade of and access rights over a sub-sea cable running from East Asia to Europe. The case included three separate merits hearings, and subsequent challenges to the tribunal's awards in the Netherlands court.

Advising on potential treaty claims by an Asian media company against the Republic of India in relation to the conduct of criminal investigations and special court proceedings arising from the allocation of 2G mobile telephone spectrum and associated allegations.

Acting for an international mobile telephone company on multiple arbitrations in relation to post-M&A claims and indemnities following the acquisition of businesses across a number of African jurisdictions.

Advising a multinational information technology company on claims, counterclaims, and pending LCIA arbitration in relation to alleged breaches of a Master Services Agreement for the provision of IT solutions within the banking sector.

Advising an international information technology company on claims and arbitration under the Finland Arbitration Institute rules in relation to the roll-out of an energy trading platform.

Advising a mobile telephone company on claims and potential arbitration in relation to charges levied on mobile telephony infrastructure in various countries in Africa.

## Banking & Finance

Acting for a global investment bank on a SIAC arbitration (Singapore seat, English and Indonesian law) in relation to claims under ISDA form commodity hedging contracts.

Acting for a major Russian bank on LCIA Emergency Arbitration proceedings to successfully defeat attempts to injunct the bank from dealing with and operating its branches in the Ukraine following a failed business sale. Matter pre-dates 2022.

Acting for a Russian investment bank on an ICC arbitration (London seat, English law) regarding a joint venture in the Russian real-estate market, including defending allegations of breaches of contract and fiduciary duty.

Acting for an emerging markets investment bank on two LCIA arbitrations (London seat, English law) to successfully recover advisory fees due for work in relation to mining projects in Zimbabwe.

Acting for an international investment bank on arbitration in Jakarta before the Indonesian Capital Markets Arbitration Board (BAPMI).

Acting for a Russian investment bank in the London Commercial Court to successfully defend a challenge under section 68 of the Arbitration Act 1996 to an ICC arbitration award obtained in relation to a joint venture in the Russian real-estate market.

Acting for a major Russian bank on LCIA arbitration (London seat, English law) in relation to the failed business sale of a network of banks in Ukraine including allegations of breach of contract and endeavours obligations. Matter pre-dates 2022.

Acting for a Russian bank on pending Stockholm Chamber of Commerce (SCC) arbitration (Stockholm seat, English law) regarding claims for breach of trust and restitution on the reorganisation of bank assets.

## Energy & Natural Resources

Acting for an Indian power company on an ICC arbitration (London seat, English law) regarding a claim for liquidated and unliquidated damages arising from consultancy services rendered to an ultra-mega power project in India, including arguing two substantive hearings before a tribunal including former Supreme Court judges from the UK and India.

Acting for Vedanta Resources on arbitration under the UK-India Bilateral Investment Treaty (Singapore seat, international law) arising from the imposition of the equivalent of USD 3.3 billion of retrospective tax and interest by the Indian tax authorities on an oil and gas business.

Acting for a UK mining company in relation to international law claims regarding the expropriation and/or breach of obligations of fair and equitable treatment under investment treaties in relation to an iron ore business in the Ukraine.

Advising an Asian power company on claims against the Government of Pakistan under contract and international law in relation to the gas supply and power purchase agreements for a power plant outside Karachi.

Acting for several co-respondents to a AAA/ICDR arbitration (Texas law, Honolulu seat) in relation to royalty claims over a gas exploration asset in offshore Vietnam.

Acting for an Indian-based oil and gas company in relation to claims and potential ICC arbitration under two agreements arising from an investment in and exit from an exploration interest in Tanzania.

Acting for an emerging markets investment bank on two LCIA arbitrations (London seat, English law) to successfully recover advisory fees due for work in relation to mining projects in Zimbabwe.

Acting for an Asian coal producer on claims brought regarding the termination of long-term agency arrangements, including arbitration or court proceedings in Hong Kong, South Korea, Taiwan and Indonesia.

## Construction & Infrastructure

Acting for a European engineering company on BANI arbitration (Jakarta seat, Indonesian law) regarding payments due for the construction of electrical sub-stations in Java, Indonesia.

Acting for an emerging markets investment bank on two LCIA arbitrations (London seat, English law) to successfully recover advisory fees due for work in relation to mining projects in Zimbabwe.

Acting for a leading independent investment bank on LCIA arbitration (London seat, English law) regarding claims between joint venture participants in relation to a major urban development project in Kenya.

Acting for a leading independent investment bank on LCIA arbitration (London seat, English law) regarding claims between partners to an urban eco-development project in Nigeria.

Advising an mobile telephone company on claims and potential arbitration in relation to charges levied on mobile telephony infrastructure in various countries in Africa.

## Manufacturing & Industrials

Acting for a Chinese manufacturer in the chemicals sector on a SIAC arbitration (Singapore seat, English law) regarding alleged breaches of a licence agreement and the appropriate measure of negotiation (Wrotham Park) damages.

Acting for a global manufacturing company on an ICC arbitration (Jakarta seat, English law) in relation to the ownership and operation of a paint distribution business in Indonesia.

Acting for a UK manufacturing company on an LCIA arbitration (London seat, German law) regarding services rendered under a consultancy agreement for the design and optimisation of mattresses,

Acting for a UK paint manufacturing company on London-seated arbitration in relation to its distribution arrangements in Spain.

Acting for a German car manufacturer to contest the jurisdiction of the English court over a claim brought for alleged third party rights in warranties provided to the original purchaser of a luxury car acquired on the grey market.

Acting for a UK food manufacturer on claims and threatened injunction proceedings by a business partner and distributor in Cyprus.



## Pharmaceuticals & Healthcare

Acting for a multinational pharmaceutical and vaccine maker on SIAC arbitration (Singapore seat, English law) regarding contracts for the manufacture and sale of a Covid-19 vaccine.

Acting for a multinational generic and speciality pharmaceutical maker on ICC arbitration (London seat, English law) regarding the development and regulatory approval of a generic drug for sale in the US, Europe, Australia and elsewhere.

Acting for a US life sciences company on claims in the English court related to the management of a clinical research programme and fees due.

Acting for an Indian pharmaceutical manufacturer on post-M&A claims in arbitration against a US manufacturer following the acquisition of various drugs in a complex cross-border transaction.

## Transport, Travel & Leisure

Acting for a global rental car company on ICC arbitration (London seat, English law) regarding the licensing and use of rental car brands across EMEA.

Advising an Indian airline on claims arising from a sustained outage in its passenger service system operated by a third party contractor and related liabilities.

Advising and acting for an airport services company on claims related to into-plane fuelling at various UK airports.

Advising an international hotel operator on liabilities and claims arising from the construction of a branded hotel and residential development in Singapore.

Acting for a private equity firm on an LCIA arbitration concerning the sale and purchase of a Russian parcel and courier business.

Advising a low-cost airline on claims for airport charges at a UK airport.

Advising an international leisure company in taking over and successfully defending a collective action by around 400 claimants in the English High Court in relation to the operation of a timeshare exchange system.

Acting for a UK chemicals manufacturer on several post-M&A claims for breaches of warranties and/or misrepresentations regarding the sale of manufacturing and power generation assets in the UK.

## Insurance & Reinsurance

Acting for a leading reinsurer on ad hoc arbitration proceedings (London seat, Spanish law) regarding sums claimed in relation to the reinsurance of a US infrastructure project.

Acting for a leading reinsurance company on the enforcement of and challenges to two ad hoc arbitration awards in the English courts.

Advising a European-headquartered insurance company on an investigation of its business in a South-East Asian country and liabilities and remedial steps following the investigation.

Advising an international insurance broker on a substantial investigation into charges levied in the placement of business in the UK and US.

## Investment Arbitration matters

Acting for Vedanta Resources on arbitration under the UK-India Bilateral Investment Treaty (Singapore seat, international law) arising from the imposition of retrospective tax by the Indian tax authorities on an oil and gas business.

Advising on potential treaty claims by an Asian media company against the Republic of India in relation to the conduct of criminal investigations and special court proceedings arising from the allocation of 2G mobile telephone spectrum and associated allegations.

Acting for a UK mining company in relation to international law claims regarding the expropriation and/or breach of obligations of fair and equitable treatment under investment treaties in relation to an iron ore business in Ukraine.

Advising an Asian power company on claims against the Government of Pakistan under contract and international law in relation to the gas supply and power purchase agreements for a power plant outside Karachi.

## Experience as Arbitrator or Expert

### As Arbitrator

Sole arbitrator on an LCIA arbitration (Mauritius seat, Mauritius law) regarding disputes between shareholders on the formation and management of a venture to manage port operations in Ghana.

Co-arbitrator on an ad hoc arbitration conducted under the UNCITRAL Rules (London seat, English law) regarding the supply of drill bits and accessories in the oil and gas sector.

Sole arbitrator on a SIAC arbitration (Mumbai seat, English law) regarding alleged breaches of a long-term contract for the supply of iron ore fines for sale in China.

Sole arbitrator on a SIAC expedited arbitration (Bangalore seat, Indian law) regarding the performance of a contract for the provision of IT development services between businesses in the UAE and India, including managing the procedural conduct to ensure delivery of a final award within 6 months of appointment.

Co-arbitrator on an ICC arbitration (Singapore seat, Singapore law) regarding payments due under a technology license agreement in the marine sector.

Sole arbitrator on an ad hoc arbitration conducted pursuant to the arbitration rules of the (Indian) Arbitration & Conciliation Act 1996 (Delaware seat, Delaware law) regarding a business in the healthcare sector.

Co-arbitrator on an LCIA arbitration (London seat, English law) regarding the sale of shares in an LNG business in Africa, including an application for consolidation with a parallel arbitration.

Sole arbitrator on an ICC arbitration (Singapore seat, English law) regarding alleged non-conformity of a cargo of iron ore fines.

Sole arbitrator in a SIAC arbitration (Singapore seat, English law) regarding the sale and purchase of a cargo of coal.

Sole arbitrator in a SIAC arbitration (Singapore law, Malaysian law) regarding an agency agreement for the provision of services at a port in Malaysia.

Sole arbitrator in an ICC arbitration (Singapore seat, Singapore law) regarding a series of contracts for the sale of wheat and associated letters of credit (conducted as a 'documents only' procedure and without any participation by the respondent).

## As Expert

Acting as Expert in an Expert Determination under English law regarding the liability for costs in a series of solar power development projects in Spain.

Providing expert testimony on the enforcement of arbitral awards in England & Wales and internationally in support of enforcement proceedings in the Mauritius court..

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