

Dr BENNY LO

Barrister and Chartered Arbitrator

MA (Cantab) PhD C.Arb FCIArb

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PRACTICE SUMMARY

Benny Lo is an independent barrister and international arbitrator. A graduate of Cambridge University law school and a self-employed tenant at Des Voeux Chambers, Benny focuses on civil and commercial, corporate, intellectual property, investment and sports dispute resolution and advises and represents clients in court litigation and international arbitration.

Alongside his litigation practice, Benny receives engagements as counsel and appointments as arbitrator in international arbitrations. He has been engaged in international arbitrations on commercial, commodities trading, shareholders disputes, intellectual property, maritime, professional negligence, sports, and investor-state matters, either as Lead Counsel, Co-Counsel, Sole Arbitrator, Presiding Arbitrator, Co-Arbitrator or Emergency Arbitrator. As arbitrator, Benny's jurisdiction award on a public policy issue was concurred by the Hong Kong High Court in *Grandom Asia Holding Ltd v Henry Wai & Co (a firm)* [2018] 1 HKLRD 808, the first time the arbitrability of solicitor-client fee disputes was considered. Benny was also appointed as co-arbitrator in an investor-state arbitration under the US-Korea Free Trade Agreement (*Jin Hae Seo v The Republic of Korea*), sitting together with a former Judge of the International Court of Justice and a former member of the International Law Commission of the United Nations. In May 2020, Benny was appointed to be one of the eight arbitrators constituting the Basketball Arbitral Tribunal (BAT), set up pursuant to the statutes of the International Basketball Federation (FIBA) in Geneva, Switzerland.

Outside private practice, Benny is also active in public service. Since 2017, he has been appointed by the Chief Justice of Hong Kong to sit as a judicial officer, including as Temporary Deputy Registrar, High Court and as a Deputy District Judge. His High Court decision in *Deltatre SPA v Hong Kong Sports Industrial Development Ltd* [2018] 4 HKLRD 478 resolved conflicting lines of authorities on the court's approach to exclusive jurisdiction clauses. It was followed by the Court of Appeal of Singapore in *Vinmar Overseas (Singapore) Pte Ltd v PTT International Trading Pte Ltd* [2018] SGCA 65 in which the Court of Appeal overruled of its own line of earlier decisions based on *The Jian He* [1999] 3 SLR(R) 432.

Prior to joining the legal profession, Benny had enjoyed a first career in pharmaceuticals and biotechnology. He devoted 6 years to scientific research, including as Croucher Foundation fellow to Nobel Laureate Prof. Sir Gregory Winter FRS at the MRC Laboratory of Molecular Biology, University of Cambridge, researching into protein and antibody engineering. By virtue of this background, Benny is also regularly engaged in intellectual property, licensing and distributorship disputes with a life science, pharmaceuticals and biotechnology dimension.

APPOINTMENTS AS ARBITRATOR (2015-2024)

(a) *Investor-State disputes*

1. Co-Arbitrator in *Jin Hae Seo v The Republic of Korea*, a property expropriation dispute pursuant to the United States-Korea Free Trade Agreement (*UNCITRAL Rules; seated in Seoul, Korea; <https://www.italaw.com/cases/7470>*)
 - Issued Concurring Opinion analyzing issues of fork-in-the-road, time limitation and manifest lack of legal merits within the context of the KORUS-FTA treaty

(b) *Commercial, corporate, private equity, maritime and IP licensing (etc) disputes*

2. Presiding Arbitrator in a time charter dispute arising from a bareboat charter agreement and a management undertaking between Hong Kong and German entities in respect of a shipping vessel (*Ad hoc; English law; seated in Hong Kong*)
3. Presiding Arbitrator in a time charter dispute arising from a bareboat charter agreement and a management undertaking between Hong Kong and German entities in respect of a shipping vessel (*Ad hoc; English law; seated in Hong Kong*)
4. Co-Arbitrator in a tax dispute arising from an interest transfer agreement for a limited partnership engaged in the provision of transport services between Cayman Islands and Chinese entities (*2018 HKIAC Rules; Cayman Islands law; seated in Hong Kong*)
5. Co-Arbitrator in a tax dispute arising from an interest transfer agreement for a limited partnership engaged in the provision of transport services between Cayman Islands, Hong Kong and Chinese entities (*2018 HKIAC Rules; Cayman Islands law; seated in Hong Kong*)
6. Co-Arbitrator in a dispute arising from an agency sales contract between a Chinese healthcare company and a Chinese e-commerce company (*2022 BAC/BIAC Rules; PRC law; seated in Beijing*)
7. Sole Arbitrator in a dispute arising from a settlement agreement and a guarantee between a leading European retail conglomerate and a Chinese retail group (*Expedited Procedure under the 2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
8. Emergency Arbitrator in a dispute arising from an investment agreement in a Cayman incorporated entity engaged in the real estate and automobile business in China (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
9. Co-Arbitrator in a dispute arising from a deed of indemnity in relation to oil and gas activities undertaken in the Republic of Chad between BVI and English entities (*2020 LCIA Rules; Hong Kong law; seated in London*)
10. Presiding Arbitrator in a dispute arising from a shares put option agreement between BVI and Chinese entities (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
11. Co-Arbitrator in a dispute arising from a convertible bond subscription agreement and

- related convertible bonds and share charges between BVI, Cayman Islands and Mainland Chinese entities (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
12. Co-Arbitrator in a dispute arising from a sale and purchase agreement in respect of a Trinidad & Tobago oil and gas company between Trinidad & Tobago, Australian and Chinese entities (*2020 LCIA Rules; English law; seated in London*)
 13. Sole Arbitrator in a dispute arising from an authorized agreement in respect of products made from biotechnologically engineered antibodies between American and Mainland Chinese entities (*Ad hoc; PRC law; seated in Hong Kong*)
 14. Sole Arbitrator in a dispute arising from a letter of retainer and terms of engagement between a Chinese law firm and its Australian client (*2019 BAC/BIAC Rules; PRC law; seated in Beijing*)
 15. Emergency Arbitrator in a dispute arising from a confidentiality and non-disclosure agreement in respect of the intended acquisition of a biotechnology company between Delaware and Cayman Islands entities (*2018 HKIAC Rules; English law; seated in Hong Kong*)
 16. Co-Arbitrator in a dispute arising from a preferred shares acquisition and subscription agreement in respect of a private education franchise between Cayman Island and Mainland Chinese entities (*UNCITRAL Rules, administered by HKIAC; Hong Kong law; seated in Hong Kong*)
 17. Co-Arbitrator in a dispute arising from an equity-linked structure notes subscription agreement between Cayman Islands entities (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 18. Sole Arbitrator in a dispute arising from a sale contract of steel coils between a Singaporean steel seller and a Pakistani steel purchaser (*Expedited Procedure under the 2016 SIAC Rules; Singapore law; seated in Singapore*)
 19. Co-Arbitrator in a dispute arising from a preferred share purchase agreement in respect of shares in a Cayman Islands company between BVI and Cayman Islands entities (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 20. Sole Arbitrator in a dispute arising from two sales contracts for medical protection devices in the context of the COVID-19 pandemic between American and Hong Kong entities (*Expedited Procedure under the 2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 21. Sole Arbitrator in a dispute arising from a personal guarantee made between a British individual and a United Kingdom incorporated company in relation to convertible bond subscription agreements (*UNCITRAL Rules, administered by HKIAC; Hong Kong law; seated in Hong Kong*)
 22. Co-Arbitrator in a dispute arising from a loan agreement between two individual persons (*CIETAC Rules 2015; Hong Kong law; seated in Hong Kong*)

23. Sole Arbitrator in a dispute arising from a cooperation agreement between Hong Kong based-subsiaries of two biotechnology groups engaged in developing stem cell therapy with respect to a claim of unjust enrichment for *quantum valebat* (*Expedited Procedure under the 2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
24. Sole Arbitrator in a dispute arising from a cooperation agreement between Hong Kong-based subsidiaries of two biotechnology groups with regard to the alleged wrongful repudiation and liability to refund deposits (*Expedited Procedure under the 2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
25. Co-Arbitrator in a dispute arising from an equity transfer and capital increase agreement between Dutch and Mainland Chinese entities concerning, *inter alia*, alleged breaches of regulatory and GMP standards in a facility for the manufacture of pharmaceuticals and vaccines (*2018 HKIAC Rules; PRC law; seated in Hong Kong*)
26. Sole Arbitrator in a dispute arising from a share purchase and put option agreement between BVI and Mainland Chinese entities (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
27. Sole Arbitrator in a dispute arising from a preferred shares issuance agreement between a Swiss corporation and a Mainland Chinese investor (*2018 HKIAC Rules; Swiss law; seated in Hong Kong*)
 - Application to set aside final award dismissed by the Hong Kong High Court
28. Sole Arbitrator in a dispute arising from a share transfer agreement between Mainland Chinese and Hong Kong entities (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
29. Co-Arbitrator in a dispute arising from convertible bonds issued by a Korean software and applications developer and a British Virgin Islands investor (*2017 ICC Rules; New York law; seated in Hong Kong*)
30. Sole Arbitrator in a dispute arising from a share sale and purchase transaction between Cayman Islands and Mainland Chinese entities (*2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
31. Sole Arbitrator in a dispute arising from a sale and purchase of solar energy products between German and Mainland Chinese entities (*2017 ICC Rules; Swiss law; seated in Hong Kong*)
32. Sole Arbitrator in a dispute arising out of a convertible note agreement between Cayman Islands and Mainland Chinese entities (*Expedited Procedure under the 2018 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
33. Co-Arbitrator in a dispute arising out of an investment agreement and a shareholders' agreement concerning share buy-backs between Dutch, Cayman Islands and Mainland Chinese entities (*2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
34. Sole Arbitrator in a dispute arising out of an irrevocable letter of guarantee between

- Mainland Chinese and Singaporean entities (*2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
35. Co-Arbitrator in a dispute arising out of a shipbuilding contract between Mainland Chinese and UAE entities (*2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 36. Co-Arbitrator in a dispute arising out of an irrevocable letter of guarantee between Mainland Chinese and Singaporean entities (*2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 37. Sole Arbitrator in a dispute arising out of a shipbuilding contract between Mainland Chinese and UAE entities (*Ad hoc; Hong Kong law; seated in Hong Kong*)
 38. Sole Arbitrator in a dispute arising out of a retainer agreement between a Hong Kong solicitor firm and a BVI company (*2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 - Jurisdiction award concurred by the Hong Kong High Court in *Grandom Asia Holding Ltd v Henry Wai & Co (a firm)* [2018] 1 HKLRD 808
 39. Co-Arbitrator in a trademark licensing dispute between British and Mainland Chinese entities (*2013 HKIAC Rules; English law; seated in Hong Kong*)
 40. Co-Arbitrator in a dispute arising out of an investment agreement and an exit agreement between Jersey and Mainland Chinese-based entities (*2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 41. Sole Arbitrator in a dispute arising out of a financial investment consultancy contract in respect of the acquisition of an Australian-based enterprise between Samoa and Mainland Chinese entities (*Expedited Procedure under the 2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)
 42. Sole Arbitrator in a dispute arising out of a convertible loan agreement between Mainland Chinese-based entities (*UNCITRAL Rules; Hong Kong law; seated in Hong Kong*)
 43. Co-Arbitrator in a dispute arising out of a licensing agreement for an online computer game between Korean and Taiwanese entities (*2013 HKIAC Rules; Hong Kong law; seated in Hong Kong*)

(c) *Sports disputes*

71 disputes between professional basketball players, agents, coaches, clubs and federations in Europe, America and Asia pursuant to the *BAT (FIBA) Arbitration Rules; seated in Geneva, Switzerland*

AFFILIATIONS TO ARBITRAL INSTITUTIONS

(a) *Arbitrator panels, etc*

- HKIAC (Hong Kong International Arbitration Centre) – Panel of Arbitrators, Panel of Emergency Arbitrators, Panel of Arbitrators for Intellectual Property Disputes
- SIAC (Singapore International Arbitration Centre) – Panel of Arbitrators (with Emergency Arbitrator endorsement)
- CIETAC (China International Economic and Trade Arbitration Commission) – Panel of Arbitrators
- BAC/BIAC (Beijing Arbitration Commission / Beijing International Arbitration Centre) – Panel of Arbitrators
- SHIAC (Shanghai International Arbitration Centre) – Panel of Arbitrators
- SCIA (Shenzhen Court of International Arbitration) – Panel of Arbitrators
- LCIA (London Court of International Arbitration) – Database of Arbitrators
- KCAB (Korean Commercial Arbitration Board) – Panel of International Arbitrators
- WIPO (World Intellectual Property Organization) – List of Arbitrators
- BAT (Basketball Arbitral Tribunal, established pursuant to the statutes of FIBA, the International Basketball Federation) – Arbitrator

APPOINTMENT TO PUBLIC OFFICES

(a) Judicial

- Temporary Deputy Registrar, High Court of Hong Kong (12.2017, 12.2019, 6.2022)
- Deputy District Judge, District Court of Hong Kong (1.2017)

(b) Quasi-judicial

- Chairman, Appeal Tribunal Panel (Buildings) (since 1.12.2015)
- Member, Copyright Tribunal (since 1.12.2020)
- Member, Fishermen Claims Appeal Board (Trawl Ban) (since 10.4.2017)

(c) Others

- Former Member, Hong Kong Law Reform Commission subcommittee on “Outcome-based Fee Structures for Arbitration”
- Former Member, Liquor Licensing Board established pursuant to Part 2 of the

Dutiable Commodities (Liquor) Regulations (Cap. 109B) (1.1.2018-31.12.2021)

- Former Member, Appeal Panel (Housing) (1.4.2017-31.3.2021) – sitting as Chairman of the Tribunals

PROFESSIONAL QUALIFICATIONS AND MEMBERSHIPS, ETC.

- Barrister of the Hong Kong Special Administrative Region (since 2008)
- Chartered Arbitrator and Fellow, The Chartered Institute of Arbitrators (CI Arb)
- Accredited General Mediator, Hong Kong Mediation Accreditation Association Limited (HKMAAL) and the Hong Kong International Arbitration Centre (HKIAC)
- Member, Asian Patent Attorneys Association (APAA)

SELECTED AWARDS AND RECOGNITIONS

- 2007 Charles Ching Memorial Scholarship, Hong Kong Bar Association
- 2001, 1998 Croucher Foundation Research Fellowship for Postdoctoral Research and Research Scholarship for Ph.D. studies
- 1997 Fitzhugh Memorial Prize for the most outstanding student, University of Nottingham, UK
- 1997 Anita and Nicola Lee Prize for Research, University of Nottingham, UK

EDUCATION

- 2006-2007 University of Hong Kong
Postgraduate Certificate in Laws (PCLL) with Distinction
- 2004-2006 University of Cambridge, UK
Bachelor of Arts (Law Tripos) (with firsts in Contract, Land and Equity)
- 2010 Master of Arts
- 1998-2001 University of Nottingham, UK
Doctor of Philosophy (Ph.D.) in pharmaceutical biotechnology
- 1994-1997 Bachelor of Pharmacy (1st Class Honours & Top of Year)

LANGUAGES

English; Chinese (Mandarin and Cantonese, both written and spoken)

February 2024