Pump Court

Gideon Shirazi

Call 2012

Gideon specialises in high-value, complex commercial litigation and international arbitration.

Known to be a fighter, he has conducted over 80 trials, 15 appeals and 300 hearings. He acts unled against KCs and eminent arbitration practitioners and as part of a larger team.

His cases often involve non-English arbitral seats or laws, including China (Mainland and Hong Kong), India, the USA, various EU states, various African states, Russia, CIS countries, the Middle East and Gulf region, Singapore and various Commonwealth countries. He also accepts appointments as arbitrator, adjudicator and dispute board.

International Arbitration

Gideon acts in arbitrations (ad hoc, LMAA, ICC, LCIA, UNCITRAL, HKIAC, SIAC, etc) and associated court proceedings including interim injunctions, s9 stay applications, s18 applications, s24 applications to remove arbitrators and s67, s68 and s69 challenges. He also assists on arbitration-related court proceedings brought in foreign jurisdictions.

He is often instructed to assist with difficult points of arbitration law including jurisdiction, natural justice, bias, arbitrability, res judicata, provisional measures, emergency arbitration, data protection, consumer rights, anti-suit injunctions, enforcement, etc.

Most of Gideon's work in this area is confidential.

Featured International Arbitration cases

- S67 trial of jurisdiction about whether a coal trading contract was formed
- Several shipping arbitrations raising issues arising out of the Russia/Ukraine war

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- Several s9 stay applications, including issues about arbitrability, scope of arbitration clauses and consumer rights
- Junior counsel on s32 jurisdiction application about the steps required to appoint an arbitrator
- Junior counsel on s24 challenge involving issues about multiple appointments and arbitrator conduct
- Junior counsel on several ICC and *ad hoc* energy, shipping and infrastructure arbitrations involving allegations of bribery, corruption, embezzlement and money laundering
- UNCITRAL technology arbitrations (London seat, multiple laws) involving software copyright infringement and licence breaches across Asia and raising issues around expedition
- Junior counsel on several connected ICC infrastructure arbitrations (London seat, Saudi law) involving the design of a Middle East metro system and calls on a parent company and third party guarantees
- Shadow counsel assisting Hong Kong lawyers in resisting an injunction in the Hong Kong courts pending a London arbitration
- An ICC emergency arbitration (QFC seat, Qatari law) involving an injunction to restrain calls on performance bonds and to freeze funds following insolvency
- Junior counsel on a $1bn ICC arbitration (London seat, English law) involving misuse of confidential information in the aviation industry
- Advising on the arbitrability of shareholder disputes in an FA Rule K arbitration involving unfair prejudice, minority shareholder rights and breaches of directors' duties
- Junior counsel on a s67 challenge on multiple references in a single Request under the LCIA rules
- Junior counsel on several LMAA and *ad hoc* multi-vessel shipbuilding arbitrations (London, Singapore and Hong Kong seats and laws) and a s69 claim involving deliverability, delays, the prevention principle, defects and contractual issues
- Advising on a potential ICSID investment treaty arbitration, including most-favoured-nation, fair and equitable treatment and umbrella clauses

Commercial Dispute Resolution and Company

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Disputes

Gideon acts on the full range of commercial disputes, including fraud, M&A, art, sale of goods, bailment, product liability, economic torts, cyber and trade secrets disputes.

Featured Commercial Dispute Resolution and Company Disputes cases

- A claim for procuring breaches of contract and conspiracy by a group of fintech companies in evading a payments preference obligation
- Defending a representative claim against directors for breaches of directors duties on conflicts, preferences and disclosures
- Junior counsel on a claim for breach of exclusivity by a major MVNO in providing 5G services
- A claim for breach of directors duties by an alleged shadow and/or de facto director in the operation of a family business and the setting of directors remuneration
- Several claims arising out of the collapse of energy companies following the rises in energy prices and appointments of suppliers of last resort
- Several disputes about enforcement of foreign judgments
- Several claims for secret commissions by brokers and other agents
- A claim for negligence and breach of fiduciary duties by a Lloyd's managing agent in distributing reinsurance proceeds between different years
- A cryptocurrency trading dispute involving issues around the legal analysis of cryptocurrency trades and obligations following the first Bitcoin fork and wallet access
- A claim regarding ownership of and payment for a painting following a cyber attack leading to misdirected payment
- Several disputes for breaches of fiduciary duties, the misuse of confidential information and data theft (including hacking and cyber fraud) by JV partners, suppliers, ex-directors, employees and consultants in the aviation, banking and technology industries
- Several commercial fraud disputes involving alleged fraudulent payments, bribery and fraudulently exaggerated invoices in the construction industry (including ghost workers)
- Several sale of goods and product liability disputes, including mistake, defects and title issues, contamination,

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faulty alarms, corroded steel boilers, exploding bottles, shop displays and tiles

Technology & Telecoms

Gideon has experience in hardware (including networks and outages), software (development, integration, licensing and copyright), networks (physical, 4G, 5G), outsourcing and cloud services (SaaS, PaaS and IaaS), cutting-edge technology (including artificial intelligence, augmented reality, internet of things devices, cryptocurrencies, Blockchain and self-driving cars) as well as miscellaneous claims in an IT context (e.g. satellites, cybersecurity, data protection, breach of confidence and hacking) and IP claims.

Featured Technology & Telecoms cases

- A £500m dispute about bad faith, fraud, trade secrets theft and anti-compete duties in the creation of a new software platform and competing platforms
- Several disputes involving telecoms fraud (including AIT, abuse of promotions, RIPA obligations, etc.)
- Several copyright and trade secrets disputes, including source code theft, data theft, team moves and general IP disputes
- Several disputes with IT and cybersecurity suppliers about responsibility for cyber-attacks
- A dispute involving delays, outstanding works and payments in the implementation of a SCADA and proprietary IT system forming the basis of a megacity electricity distribution network
- Junior counsel on a IT project collapse in the development of a new integrated IT system for an energy company, including smart meter requirements
- Several SAP, SCADA, ERP and CRM implementation disputes involving delays, project management, poor design, scope creep, variations, defects and payment issues
- Several disputes about the outsourcing and maintenance of telecoms networks
- Several e-commerce website implementation disputes about defects during or following the development of e-commerce websites and alleged loss of profits
- A dispute about the termination of a software licence for autonomous vehicles

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Energy & Natural Resources

Gideon has acted on a wide range of energy disputes, focussing on upstream and midstream oil and gas and renewables. His experience spans the full range of disputes across the industry. This includes disputes about the sale, pipeline transportation and shipping of cargoes of oil and LNG; disputes about long-term contracts, fiduciary duties, commissions, bribery and other commercial disputes; and large construction and offshore disputes arising out of energy facilities, solar panels, gas pipelines, electricity distribution and decarbonisation

Featured Energy & Natural Resources cases

- Several disputes about claims under letters of indemnities following mis-delivery frauds and arrests
- Junior counsel on an arbitration involving allegations of bribery of officials, corruption and money laundering in an oil state
- An arbitration about hire, seaworthiness, health and safety and the ISPS code in the charter of an accommodation vessel for an offshore windfarm
- Junior counsel in dispute about the construction of a new high pressure gas network
- Several arbitrations on the consequences of contamination in a major oil pipeline
- Junior counsel on several multi-vessel shipbuilding disputes involving fuel efficiency in bulk carriers
- Arbitration about the charter of an offshore vessel for drilling and geotechnical explorations with disputes about payment, radar jamming by militia and standby time
- Arbitration about com• A multi-vessel shipbuilding dispute about bulk carriers involving issues around deliverability, delay, prevention principle, payments, guarantees and a range of defects in bulk carriersmercial issues arising out of a *Legionella* outbreak on an offshore accommodation vessel for an offshore renewables project
- Advising an international energy company about its liability for broker commissions received in SME energy contracts
- A dispute about failure to operate a hedging strategy in a long-term district heating and power contract
- Several arbitrations involving quality, quantity, payment and fraud issues in consignments of crude oil
- Advising on the termination of an energy contract based on sanctions

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Shipping & Shipbuilding

Gideon's shipping work includes disputes over shipbuilding contracts, ship sale and purchase agreements, charterparties (time, voyage and bareboat), contracts of affreightment, bills of lading, international sale of goods and commodity sale and purchase agreements as well as admiralty work focussing on mortgages and arrests.

Featured Shipping & Shipbuilding cases

- Several arbitrations arising out of the Russia/Ukraine war including claims for cargo of blocked vessels, bribery, vessel and cargo damage, CONWARTIME and implied indemnity disputes
- Defending several Commercial Court claims under letters of indemnities following mis-delivery frauds and arrests and bank demands in various jurisdictions
- Several disputes about demurrage/detention of vessels with issues around the validity of NORs, the time of arrival, weather conditions, arrests, etc.
- Several disputes about seaworthiness, unsafe ports, on/off hire disputes, redelivery, and loading/discharge issues
- Several cargo disputes under bills of lading, including misdelivery, quality and fraud involving cargoes of oil, coal, rice, soybeans, etc.
- Ship sale disputes involving disputes about contract formation, payments, termination fraud, cyber attacks, defects and delivery
- Admiralty Court ship mortgage claim (including acting on the arrest, order for sale, and priorities)
- A multi-vessel shipbuilding dispute about bulk carriers involving issues around deliverability, delay, prevention principle, payments, guarantees and a range of defects in bulk carriers
- A multi-vessel shipbuilding dispute about bulk carriers involving issues about fuel economy and future charter performance including the impact of green shipping
- Several shipbuilding disputes about bulk carriers, OSVs, yachts and other vessels involving issues around fuel economy, delays, defects and deliverability

Construction, Engineering & Infrastructure

Gideon's construction experience focuses on engineering and infrastructure megaproject disputes (including roads,

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tunnels, stations, airports, metros, hospitals, telecoms networks, energy facilities, etc.) located across the globe. He is also in demand in the highly specialist area of adjudication enforcement disputes and regularly appears in the TCC on such disputes.

Featured Construction, Engineering & Infrastructure cases

Adjudication, DABs and Adjudication Enforcement

- Jurisdiction dispute about incorporation of an adjudication clause in a reinsurance contract
- Enforcement jurisdiction dispute based on service of the notice of adjudication and the *S&T* rule
- Enforcement breach of natural justice dispute about failure to consider LADs defence in a final account adjudication and associated Part 8 claim
- Enforcement dispute about breach of natural justice in an adjudicator carrying out his own delay analysis, and insolvency
- Enforcement dispute about re-adjudication and associated Part 8 claim
- Acting on dispute board referrals, including complex jurisdictional points arising in international projects
- Several interim payment and final account adjudications including disputes around repudiation and termination, contractual interpretation, rectification, delay, defects and variations

Litigation and Arbitration

- Acting on ICC arbitrations about variations, defects and delays in the design of a metro system in the Middle East
- Acting on a delay, defects and payments dispute about a project for a new hospital building and the fit out of a new cancer therapy centre
- Acting on a termination dispute about a road project in central Asia involving allegations of bribery, corruption and terrorism-related defects
- Acting on a series of disputes about defects, delay and variations in a gas pipeline project
- Acting on final and termination account disputes involving defects, delays, variations, rectification and other contractual issues
- Acting on a payments, suspension, rectification, variations and termination dispute about a large modular construction project
- Several PFI/PPP disputes involving good faith, termination, maintenance obligations, service points, defects, long-term payments, estoppel and fire safety
- Several disputes about construction and maintenance of hospitals and schools

Insurance & Reinsurance

Gideon regularly acts in claims involving insurers, both in subrogated claims and coverage disputes. This includes marine and non-marine insurance and reinsurance, and claims within the insurance industry especially between parties in Lloyd's. Gideon has a particular interest in cyber risk.

Featured Insurance & Reinsurance cases

- A claim for negligence and breach of fiduciary duties by a Lloyd's managing agent in distributing reinsurance

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proceeds between different years

- Junior counsel on a reinsurance coverage dispute about professional indemnity losses associated with fire defects in a building and attempts to circumvent restrictions on coverage
- Junior counsel on a professional indemnity policy coverage dispute about liability for a cyber attack on a high profile IT company
- Junior counsel on a high profile marine P&I insurance coverage dispute about a COVID-19 outbreak on board a cruise vessel
- Several coverage claims arising out of crime and professional indemnity policies associated with negligent or improper financial trades
- An arbitration about liability for latent defects under a CAR policy
- A dispute about subrogation rights as between insured and insurer
- A coverage dispute for a combined business policy involving avoidance under the Insurance Act 2015 for unfair presentation of the risk
- A dispute between an underwriting agent and a broker about unpaid premiums, misuse of confidential information and economic torts
- Defending a claim by the NHBC under a personal guarantee with defences based on undue influence, misrepresentation, implied terms, unconscionable bargains and the law of guarantees
- Advising on coverage on a claim for constructive total loss of a vessel following a cyber attack

Banking, Financial Services & Fintech

Gideon acts on a wide range of banking and financial services work including the full range of banking products, guarantees, mortgages, lending, mis-selling and other traditional banking disputes, as well as cryptocurrency, payment services and other Fintech disputes

Featured Banking, Financial Services & Fintech cases

- Acting for a bank on a ship mortgage case involving issues of undue influence, variation, rectification and estoppel

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- Several M&A disputes (under SPAs and TSAs) involving post-completion obligations, breaches of warranty, non-disclosures, indemnities, fraud, breaches of directors' duties, economic torts and misrepresentation
- Several corporate finance commission, guarantee and negligence disputes concerning capital raising for Fintech and energy businesses
- An Emergency Arbitration involving restraints on calling performance bonds following an insolvency and an alleged attempt to defraud creditors
- Several lending and fraudulent payment disputes
- Acting on several bonds and guarantees claims involving issues including interpretation, undue influence, consideration, the application of UCP 600 and the Statute of Frauds
- Consumer credit disputes (including s138, s140A and s75 indemnity issues) – including advising major high street banks on strategy for PPI litigation
- Several banking fraud and FSMA cases (including payment fraud, cyber fraud and collective investment schemes)

Intellectual Property

Gideon has wide experience of IP disputes, focussed particularly on patents, copyright, trade secrets/breach of confidence, data protection and other economic torts. Much of his IP work involves complex issues under the Software Directive and Enforcement Directive in the context of technology. He has a particular interest in breach of confidence/trade secrets disputes and SEP/FRAND cases.

Featured Intellectual Property cases

- Junior counsel on a telecoms patent infringement and licensing dispute relating to DSL and DLM software
- Junior counsel on a software reverse engineering dispute involving issues around the scope of the decompilation and investigation rights under the Software Directive
- An UNCITRAL software copyright and licensing arbitration involving issues around interoperability, copyright infringement in multiple jurisdictions and termination
- A dispute about the termination of a licence agreement for software for the remote stopping of cars and industrial internet of things (IoT) connected devices
- Junior counsel on a $1bn ICC arbitration involving misuse of confidential information in the aviation industry in

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the development of aircraft

- A copyright claim about a well-known pop song (which hit top of the charts)
- Several copyright and trade secrets disputes in a tech, employment or team move context, including source code theft, data theft, team moves

Appointments

TECBAR adjudicator
WIPO panel arbitrator

Publications

Chapters on Insurance Arbitration and on Cyber in the IRLA Handbook
Simpson's Professional Negligence and Liability, chapter on IT consultants
'Decommissioning in the UK Continental Shelf – A Litigator's Perspective', [2015] IELR 192 (with Michael Davar, Squire Patton Boggs)
'To what extent does the section 33 contract differ from an orthodox contract?' (2013) 34 Company Lawyer 4

Education

MA Mathematics, First Class (Trinity Hall, Cambridge)
Public Access qualified

Recommendations

Gideon is ranked as a leading junior in Chambers Global, Chambers UK Bar, Legal 500 UK, Legal 500 EMEA and/or Legal 500 Asia Pacific for: IT and telecoms, commercial disputes, shipping and commodities, and construction disputes. He was featured in the 2018 Global Data Review's "40 Under 40": a list of the top 40 data lawyers worldwide aged under 40. Recommendations include:

- Gideon is absolutely all over the detail. Able to digest enormous amounts of information and represent it in a persuasive and convincing manner. Clearly a rising star and one destined for the top. Clients respect his detailed and careful manner.
- Easy to work with and very good under pressure, Gideon is also an absolutely outstanding courtroom performer.

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He is at consummate ease dealing with complex technical information

- Intellectually brilliant, Gideon is able to grasp difficult and complicated points and distil them to their essence quickly
- An effective advocate under pressure, always very well prepared and on top of the details
- Very bright and articulate. Knows his stuff and gives clear advice
- He is superb at getting through the detail
- Gideon is a very enthusiastic junior who always hits his deadlines. His written work is spot on
- Very hard working and bright. Very client and user friendly. Great service
- Practical, proactive and confident in his delivery, and he provides effective solutions
- Enthusiastic and responsive, and he quickly gets to grips with matters
- Clear, hands-on and practical
- Good at seeing the wood for the trees and dealing with a slippery defendant, he is approachable and easy to work with
- He works exceptionally hard and is very talented
- Some years ahead of his call in terms of experience. Great on his feet
- Incredibly dedicated and hard-working; nothing is ever too much for him
- He is extremely hard-working, and is very capable of sifting through a vast amount of material to quickly get to the key underlying detail
- He really knows his stuff, is very knowledgeable and very commercial where it counts
- Bright and quick on his feet
- A bright barrister who cuts through the verbiage and technical arguments
- A good operator whose key strength is his ability to absorb an enormous amount of detail and get to the nub of a dispute very quickly

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