

Gideon Shirazi

Call 2012



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

His work often involves arbitral seats or laws of jurisdictions around the world, including India, China (Mainland and Hong Kong), the USA, various European states, various African states, Russia, CIS countries, the Middle East and Gulf region, Singapore and various Commonwealth countries. He is regularly instructed directly on arbitrations by law firms based outside the UK.

Gideon brings a technical understanding to the subject matter of complex technical project disputes informed by his maths background, and often works closely with experts on these disputes. He is equally comfortable as junior and sole counsel and often acts as sole counsel against senior juniors, QCs and eminent arbitration practitioners.

Gideon is qualified to undertake public access work.

International Arbitration

Gideon acts and advises in international arbitration proceedings (including *ad hoc*, ICC, LCIA, LMAA, CIMAR, SIAC, HKIAC, UNCITRAL and ICSID) and associated court proceedings (including injunctions and s67, s68 and s69 challenges), with seats in London and across the world. Gideon's arbitration practice spans technology, shipping, aviation, engineering, infrastructure, construction, energy, insurance, banking, trade secrets, investment and general commercial disputes.

Featured International Arbitration cases

Sole counsel on an ICC Emergency Arbitration about demands on, and the return of, bonds.

Junior counsel on a \$1bn ICC arbitration involving theft of trade secrets in the aviation industry.

Sole counsel on a number of ICC and *ad hoc* technology arbitrations.

Junior and sole counsel on various ICC, SIAC and *ad hoc* infrastructure and construction arbitrations (including roads, tunnels, commercial buildings, residential developments, a retail facility, a hotel and an offshore hook-up project).

Junior counsel on a series of LCIA energy arbitrations involving complex issues of arbitration law.

Junior counsel on a number of multi-vessel shipbuilding arbitrations under the LMAA Rules.

Sole counsel on a number of LMAA shipping arbitrations involving a detention of vessels, damaged cargo and other disputes.

Sole counsel advising on a potential ICSID investment treaty arbitration, including most-favoured-nation, fair and equitable treatment and umbrella clauses.

Technology & Telecoms

Gideon's technology and telecoms work includes hardware (including networks and outages), software (development, integration, licensing and copyright), outsourcing and cloud services (SaaS, PaaS and IaaS), cutting-edge technology (including augmented reality, distributed operating systems, internet of things devices, cryptocurrencies, Blockchain and self-driving car software) and as well as miscellaneous claims in an IT context (e.g. satellites, cybersecurity, data protection, breach of confidence and hacking). Gideon is also a contributor to the chapter on IT Consultants in *Simpson's Professional Negligence and Liability* and a committee member of the SCL IT Disputes Group.

Featured Technology & Telecoms cases

IT Contracts (Outsourcing, Software Development and Integration, Licensing).

Sole and Junior counsel on multiple IT project disputes involving project management failures, scope creep, delay, variations, poor design, poor development work, defective software, termination, licensing issues and project collapses. This includes SAP implementations, website development, IT infrastructure transformations, upgrade projects, replacement system developments, first and second generation outsourcing transformations, IT system separations, ERP implementations, CRM implementations, SCV implementation, e-commerce websites and platforms development, data migration, system migrations, IT security systems, etc.

Sole and Junior counsel on multiple disputes about defects during or following the development of e-commerce websites and alleged loss of profits.

Junior counsel preparing for interim and final injunctions to prevent the termination of a very high value business critical IT contracts and IT outsourcing contracts.

Sole and Junior counsel on a number of large disputes about software licencing, including scope of licence provisions, termination, virtualisation and multi-user licence re-sale rights under the Software Directive.

Sole counsel on 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 dispute about an outsourcing/maintenance contract for network management and maintenance of a telecoms network.

Sole counsel on a number of disputes involving telecoms contracts, telecoms networks and fraud (including AIT, abuse of promotions, RIPA obligations, etc).

Sole and Junior counsel on a number of domestic and international software copyright and licensing disputes (including overdeployment, audit rights, stolen software, virtualisation and mis-sold software).

Sole and Junior counsel advising and acting on disputes involving the personal information and sensitive personal information (including SDARs, claims for compensation under the Data Protection Act, wrongful disclosure under RPIA, the processing of foreign electoral data, data loss by an online data storage platform and resisting pre-action disclosure of employees' medical records).

Sole counsel on a number of disputes about cybersecurity failures.

Sole and Junior counsel on a number of copyright disputes, including in software, shop layouts and displays, and architects' drawings.

Sole counsel on trademarks, passing off and online advertising (including invisible infringement).

Shipping & Shipbuilding

Gideon's shipping work includes disputes over charterparties (time, voyage and bareboat), contracts of affreightment, bills of lading, ship sale MOAs, shipbuilding contracts, carriage of goods by sea (Hague and Hague-Visby rules) and by road (CMR claims including wilful misconduct), international sale of goods and commodity sale and purchase agreements as well as collisions, mortgages and arrests.

Featured Shipping & Shipbuilding cases

Sole counsel on time charter disputes, including seaworthiness, off hire disputes, redelivery, rectification, speed and consumption and loading/discharge.

Sole counsel on voyage charter disputes, including seaworthiness, demurrage/detention and freight.

Sole and Junior counsel on bills of lading disputes, including misdelivery, identity of the issuer, the incorporated charterparty and cargo damage.

Sole and Junior counsel on disputes about the sales of and defects in yachts.

Junior counsel on multiple multi-vessel shipbuilding arbitration involving issues around delivery, delay, propulsion equipment, fuel consumption and a range of defects.

Sole counsel on a dispute about the sale of a newbuild yacht.

Sole counsel advising on cyber insurance claims in connection with the alleged total loss of a yacht.

Sole counsel appearing for a harbour in respect of an order for sale.

Sole counsel on a ship mortgage case (including acting on the arrest, order for sale, and priorities).

Construction, Engineering and Infrastructure

Gideon acts on a wide range of construction, engineering and infrastructure disputes. Gideon has acted in disputes involving civil, structural, electrical, mechanical, marine, coastal, geotechnical, agricultural and aerospace engineering issues and projects. This includes disputes over roads, tunnels, car parks, telecoms networks, a car showroom, energy facilities, a museum, hotels, schools, listed buildings, offices, residential developments and other buildings and infrastructure and engineering projects. He also acts on property damage cases (including fires, flooding and tree roots). He is also a TECBAR adjudicator and a contributor to LexisPSL Adjudication.

Featured Construction, Engineering and Infrastructure cases

Sole counsel on a £7.3m coastal engineering dispute involving issues about design, defect correction, the interpretation of NEC3 project management and defect correction provisions.

Sole counsel on a series of high value commercial, hotel and retail final account disputes involving issues around variations, remeasurement, delay, defects, repudiation and termination and set-off claims between different projects.

Sole and Junior counsel on long-term outsourcing, maintenance and PFI/PPP disputes, involving issues such as good faith, the application of service points and credits and the Late Payments Act.

Sole counsel acting on FIDIC dispute board referrals, including complex jurisdictional points arising in international projects.

Sole and junior counsel acting on interim payment and final account adjudications under JCT, NEC3 and bespoke contracts including disputes around repudiation and termination, contractual interpretation, rectification, delay, defects and variations and professional negligence.

Sole counsel on a number of adjudication enforcement cases involving jurisdiction issues, breaches of natural justice and stays for insolvency.

Sole counsel acting in a 5 day TCC trial including issues over delay, payments and defects and allegations of forged documents by the contractor.

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 includes acting as a junior on very large construction and offshore construction disputes arising out of energy facilities, as well as disputes about the sale and shipping of cargoes of oil and LNG, the installation of solar panels, electricity distribution projects and general commercial disputes in the energy industry.

Banking, Financial Services & Fintech

Gideon has a wide experience of banking and financial services work. Gideon is familiar with the mathematics behind valuation of commodities, derivatives and other financial products. He also has experience of bitcoin and other cryptocurrency disputes and payment services disputes.

Featured Banking, Financial Services & Fintech cases

Documentary credits: including disputes over the enforceability of refund guarantees, the classification of bonds as “on demand” or guarantees, the application of UCP 600 and whether a party was required to extend advance payment guarantees for a project.

Syndicated loans (including a very high value dispute about enforceability).

Asset-backed finance.

Guarantees (including undue influence, consideration and the Statute of Frauds).

Mortgages – including acting in 4 appeals.

Consumer Credit disputes (including s138, s140A and s75 indemnity issues) – including advising a major high street bank PPI litigation issues and strategy.

Fraud (including fraudulent transactions, misappropriated funds and tracing).

FSMA claims (including collapsed collective investment schemes).

Fintech (including payment services, cryptocurrency trading and IoT).

Insurance & Reinsurance

Gideon regularly acts in claims involving insurers, both in subrogated claims and coverage disputes. This includes both marine and non-marine insurance, and claims against insurance brokers. Gideon has a particular interest in cyber risk and, in addition to advising insurers on cyber cases, has written articles and lectures on cyber risk.

Featured Insurance & Reinsurance cases

Successfully acting at first instance and on appeal as sole counsel for a major insurer on a coverage dispute for a theft under a building and contents policy.

Sole counsel advising an insurer on a £10m coverage claim following an explosion raising issues of the scope of a product liability policy, aggregation and policy interpretation.

Sole counsel advising on coverage on a claim for constructive total loss of a vessel following a cyber incident.

Sole counsel on coverage disputes involving non-disclosure, aggregation, the scope of cover, exclusion clauses and late notification provisions about run-off liability in a professional indemnity policy, a contractors' all risks policy, an H&M policy based on ITC83, alleged damage under a commercial property policy, theft of jewellery under a home insurance policy and emergency treatment in a travel insurance policy.

Sole counsel acting on disputes involving subrogation issues.

Commercial Dispute Resolution

As well as international arbitration, Gideon regularly acts in High Court (including the Commercial Court, TCC, Chancery Division and IPEC) on the full range of commercial disputes.

Featured Commercial Dispute Resolution cases

Sole and junior counsel on multiple disputes around SLA breaches, service points, service credits, duties of good faith, affirmation, delays, defective work, exemption clauses, indemnities, estoppel and termination in large IT, BPO, recruitment, road maintenance, estate management and other outsourcing and PFI/PPP arrangements.

Sole counsel advising on termination and drafting negotiation letters, notices of breach and notices of termination on multi-million pound renegotiations and termination of ongoing outsourcing, long-term supply and services contracts and joint venture agreements.

Sole and junior counsel on TSA and SLA disputes involving post-completion obligations, breaches of warranty, indemnities, fraud, breaches of directors' duties, economic torts and misrepresentation in the context of sales of construction, telecoms and general trading businesses.

Sole counsel on a dispute concerning capital raising for a FinTech business.

Sole and Junior counsel on disputes involving breaches of directors' duties and embezzlement.

Sole and Junior counsel on disputes involving the misuse of confidential information or data theft (including hacking and cyber fraud) by JV partners, suppliers ex-directors in the aviation, banking and technology industries, as well as former employees, directors, consultants and professionals.

Sole counsel on a 5 day TCC fraud trial involving forged variation orders.

Sole counsel on disputes involving alleged fraudulent payments, bribery and fraudulently exaggerated invoices in the construction industry (including ghost workers).

Sale of goods and product liability, including mistake and defects in title to a painting, contamination, faulty alarms, corroded steel boilers, exploding bottles, shop displays and tiles.

Aviation, including a drone/UAV crash, s76 CAA and trade secrets.

Professional Negligence

Gideon has assisted on a wide range of professional negligence disputes across all the major professions (solicitors, accountants, brokers, architects, engineers and surveyors). He has particular experience in cases brought against accountants and financial advisers for negligent tax advice, auditing and valuations, and in cases arising out of M&A transactions.

Appointments

- TECBAR accredited adjudicator

Publications

- ‘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)

Recommendations

Gideon is listed as a leading junior in the 2021 edition of Legal 500 for construction, IT and telecoms and shipping; and in Chambers Bar for IT. 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:

- 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