



Elijah Putilin

Founder at Putilin Dispute Management

Nationality: Russian

Current Position: Founder at Putilin Dispute Management / Adjunct Professor

Professional Experience

Elijah Putilin is an Adjunct Professor of international dispute resolution at several universities in Central and South-East Asia and a founder of Putilin Dispute Management (PDM), a dispute resolution and public international law practice. Mr Putilin is recognized in Who's Who Legal Arbitration: Future Leaders – Arbitration 2022 and praised by clients and peers for his ability 'to present even the most complex concepts in a simple and understandable manner, which tribunals appreciate'.

Prior to founding PDM, Mr Putilin worked as a Deputy Head of Legal Services at the Asian International Arbitration Centre (AIAC) and Secretary General of the Asian Domain Name Dispute Resolution Centre (ADNDRC). As part of the AIAC and ADNDRC, Mr Putilin co-led a team of counsels and supervised more than 3000 adjudication, arbitration, mediation, and domain name disputes cases referred to the Centre. Mr Putilin also played an instrumental role in revision of the Malaysian Arbitration Act 2005.

Before joining the AIAC and the ADNDRC, Mr Putilin had practiced principally from Moscow offices of Squire Patton Boggs and Clifford Chance. He represented and advised clients in over a hundred disputes before SCAI, SCC, LCIA, ICC, ICDR and ICAC (Russia) tribunals, foreign and domestic courts of all levels, including the RF Supreme Courts, and international trade tribunals.

Mr Putilin is the Member of the Tashkent International Arbitration Center's Court of Arbitration, alongside Stanimir Alexandrov, Dirk De Meulemeester, Olena Perepelynska and Aybek Akhmedov and the President of the Central Asian Arbitration Association.

Arbitration Experience

The highlights of Mr Putilin's experience counsel include:

- Development of the case strategy and pursuing a claim for a Chinese SOE-Contractor in an arbitration under the FIDIC-based contract pursuant to the SCC Rules. The matter involved a complex delay and quantum analysis and a comprehensive comparative study of Russian, Chinese and Swedish law. The amount in dispute exceeded USD100 mln.;
- Advising one of the largest Russian manufacturers of steel pipes on substantive and procedural issues arising in an arbitration pursuant to the ICAC (Russia) Rules against Uzbek oil & gas producers; developing an enforcement strategy. The amount in dispute is circa USD75 mln.;
- Advising Uzbek contractor on potential arbitration pursuant to the Swiss Rules against a Chinese manufacturer of heavy machinery equipment;
- Representing a consortium of Central Asian vineyards in an arbitration under the CISG-governed

contract pursuant to Swiss Rules;

- Advising Uzbek commodity-trader on potential court proceedings against Turkmen SOE;
- Advising one of the largest Uzbek agro-holdings on dispute resolution mechanisms under the investment agreement with a Chinese investor;
- Successful enforcement of the ICDR award in favour of the US chemicals manufacturer, overcoming non-notification and ultra vires defences raised;
- Advising a leading Swiss pharmaceutical company on potential arbitration against its Russian distributor in an arbitration under the ICAC (Russia) Rules;
- Successful defence of a Chinese cell phone manufacturer in the first ever SEP (standard essential patent) infringement and patent annulment proceedings in Russia, resulting in the stay of the proceedings pending determination of a RAND rate by the US court; alignment of the case strategy with the ICC arbitration in relation to the same issues;

Mr Putilin often acts as an expert consultant on arbitration. His experience includes:

- being the sole contributor on Uzbekistan to the UNCITRAL and Shearman & Sterling's Guide to the New York Convention 1958;
- drafting amendments to the Malaysian Arbitration Act 2005, Mediation Act 2012, Sports Development Act 1997 and Construction Industry Payment and Adjudication Act 2012;
- advice to the Government of Malaysia on the amendments to the ICSID Arbitration Rules;
- advice to Uzbekistan Chamber of Commerce on the revision of the arbitration act;
- member of the Sounding Board, the Hague Rules on Business and Human Rights Arbitration (BHR arbitration);
- advice to the consortium of German investors on secondary liability regime under the RF insolvency law in relation to an arbitration under the MCCI Rules.

Mr Putilin is empaneled with numerous arbitral institutions across Europe and Asia and regularly sits as the Sole Arbitrator and co-arbitrator in *ad hoc* and institutional arbitral proceedings conducted according to civil, common, and international law; his recent cases include:

- Sole Arbitrator in a TRAC arbitration arising out of a sale and supply agreement governed by Iranian and Indian laws;
- co-arbitrator in a > EUR120 mln. DIFC-LCIA arbitration arising out of a facility agreement governed by English law;
- co-arbitrator in a > USD1 mln. ICA CCI arbitration related to a facility agreement governed by Kyrgyz law;
- co-arbitrator in an ICA CCI arbitration arising out of a sale and supply agreement governed by the CISG.

Education Background

Mr Putilin received his LLB and LLM (cum laude) from the Moscow State Institute of International Relations (MGIMO), following which he continued his studies as a PhD fellow in international investment and trade law. Mr Putilin also studied Graduate Diploma in Law at the City, University of London Law School and is a graduate of the Harvard Law School, Program on Negotiation.

Mr Putilin was one of the youngest practitioners worldwide to be admitted as a full member (fellow) of the Chartered Institute of Arbitrators (UK) and to complete the Oxford Diploma Course. Mr Putilin divides his time between his practice, lecturing and publishing. He is a frequent speaker at international conferences across the globe.

Expertise

Banking & Finance, Construction, IP, International Trade, Corporate.

Practice Location/ Jurisdiction

Russia, CIS, Central and South-East Asia.

Working Languages

English, Russian, German.

Other Relevant Experience

Mr Putilin divides his time between practice and academia.

The highlights of his academic profile include:

Faculty appointments and visiting lectureships

- visiting faculty, 'Law, Practice and Procedure of International Commercial Arbitration', American University of Central Asia, Kyrgyzstan;
- visiting faculty, 'The Essentials of International Investment Law & Arbitration', KAZGUU University, Kazakhstan;
- guest lecturer, 'Enforcement of Arbitral Awards in Russia and CIS', the George Washington University Law School, USA;
- visiting lecturer, 'International Commercial Arbitration: Modern Trends', Westminster International University in Tashkent (WIUT), Uzbekistan;
- visiting lecturer, 'International Commercial Arbitration: The Flavours of Asia', University of World Economy and Diplomacy, Uzbekistan;
- visiting lecturer, 'Arbitration in Asia: Practical Considerations', 'Introduction to International Investment Law: Vietnamese International Investment Regime', 'Provisional Measures in Investment Arbitration', Foreign Trade University, Vietnam;
- visiting lecturer, 'Introduction to Mediation', Taylor's University, Malaysia;
- visiting lecturer, 'The Art of Resolving Construction Disputes', SEGi University, Malaysia.

Publications: Books & Book Chapters

- co-editing author, 'International Investment Law & Arbitration in Central Asia: Emerging Issues', (Kluwer Law International) (forthcoming, winter 2022);
- co-editing author, 'International Commercial Arbitration in Central Asia', (contract with Kluwer Law International pending) (forthcoming, summer 2022);
- author, 'A Guide to Malaysian Investment Treaties', (Sweet & Maxwell Asia) (forthcoming, spring 2022);
- author, 'AIAC Arbitration Rules: A Commentary', (Kluwer Law International) (forthcoming, winter 2022);
- author, '2119: An Arbitral Odyssey or Proliferation of International Arbitration of Space-Related Disputes' in 'A Brand New World: The Evolution and Future of Arbitration', CIARB, (2020);
- contributor, S. Rajoo, WSW Davidson, 'The Arbitration Act 2005: the UNCITRAL Model Law as applied in Malaysia', (Sweet & Maxwell Asia) (2018);
- co-author, Chapter on Russia in 'International Agency and Distribution Law', 2nd ed, ed. by D. Campbell, (2013).

Publications: Selected Articles and Blog Posts

- author, 'International Commercial Arbitration: Uzbekistan', GTDT, (2022);
- author, 'Investment Treaty Arbitration: Uzbekistan', GTDT, (2022);
- author, 'A Golden Age of International Commercial Arbitration in Central Asia: Quo Vadis Kyrgyzstan?', ICAC Kyrgyzstan, (2021);
- author, 'Resolving Potential Disputes Between Belorussian and Central-Asian Companies Through Arbitration', Chamber of Arbitrators, (2021);
- co-author, 'Immunities and Privileges in Practice: A Tale of How to (Not) Apply Them in Practice', Czech Yearbook of International Law, (2020);
- co-author, 'Bishkek Arbitration Days: Dispute Resolution in Times of Pandemic', Arbitration.ru, No. 6(20), (2020);
- author, 'Security of Payment Legislation: An Answer to Resolving Construction Disputes in Times of Pandemic?', Arbitration.ru, No. 4(19), (2020);
- author, 'Book Review: Arbitration in Malaysia by Thaya Baskaran', Malaysian Arbitration Forum, (2020);
- author, 'Construction Industry Payment & Adjudication Act: A Call for Amendments?', Malaysian Arbitration Forum, (2020);
- author, 'Third Party Funding in Malaysia', Malaysian Arbitration Forum, (2020);
- author, 'AIAC Arbitration Rules: A Commentary – Parts I & II', Malaysian Arbitration Forum, (2020);
- author, 'Strike the Iron While Its Hot: SG HC Refused to Extend the Set Aside Period in Case of

Fraud', Malaysian Arbitration Forum, (2020);

- author, '1MDB Saga Continues before English Courts', Malaysian Arbitration Forum, (2019);
- author, 'The Great Equaliser or Reflections on the Use of Mediation in Investor-State Dispute Settlement', Asian Pacific Mediation Journal, Vol. 1, No. 2 (2019);
- co-author, 'CPTPP and the Tale of Two Tigers: How May the Ratification of the CPTPP Affect Malaysia's International Investment Regime?', Transnational Dispute Management, Special Issue on the CPTPP (2019);
- author, 'On the Notion of Economic Regionalism in International Law', Moscow Journal of International Law, No. 4 (2015);
- author, 'Dispute Resolution in Russia', Faces of Dispute Resolution 2012, Financier Worldwide, (2012).