

Shaun Leong

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OPERATING AS WITHERS KHATTARWONG LLP IN SINGAPORE.

Shaun is a partner in the litigation and arbitration team.

Shaun Leong, FCI Arb, is an international arbitration specialist with close to fourteen years of experience in complex cross border commercial disputes. He focuses on developing successful strategies to achieve clients' objectives in cross jurisdictional disputes, and often works with clients to design disputes prevention processes prior to the occurrence of any disputes. Shaun is an internationally recognised leading practitioner at the forefront of emerging and revolutionary technologies including Artificial Intelligence (A.I.), Blockchain and the Metaverse. Awards and accolades include:

- Digital Assets Lawyer of the Year nominee in Law.com International's Asia Legal Awards 2023
- International Arbitration Lawyer of the Year nominee (Benchmark Litigation Asia-Pacific Awards 2022)
- Shortlisted as Leading Practitioner in Blockchain (Who's Who Legal 2022 and 2023)
- Shortlisted for Client Choice Awards 2022 in Blockchain
- Ranked "Future Star" in International Arbitration (Benchmark Litigation Asia-Pacific 2022 and 2023)
- A "key lawyer" and "international arbitration specialist" (Legal 500 Asia-Pacific 2022 and 2023)
- "Shaun Leong is one of the brightest, if not the brightest star of his generation. A standout arbitration practitioner with a strategic mind, he is adept at finding practical solutions to complex cross-border issues. He is very dedicated to clients' needs." (Benchmark Litigation Asia-Pacific 2022)
- "Shaun Leong is extremely astute, commercial and has the excellent ability to develop and implement a customised strategy to effectively resolve complex cross border issues. As a top rate, results-oriented counsel, Shaun is a standout star among peers." (Benchmark Litigation Asia-Pacific 2022)
- "Shaun Leong is a masterclass in commercial litigation and international arbitration. He is able to break down the issues and focus on the key points that we need to establish our case." (Benchmark Litigation Asia-Pacific

2022)

- "Shaun Leong is a renowned name for cryptoassets disputes...the top name in the Asia-Pacific region as the go-to disputes lawyer for complex digital assets disputes...He is particularly well-versed in blockchain matters." (Benchmark Litigation Asia-Pacific 2023)
- "Shaun is an absolute superstar in the cryptoassets sector. He has achieved remarkable successes for some of the biggest names in the digital assets market and has in a very short time created a reputation as the go-to dispute resolution lawyer in Asia for all things blockchain and Web3. He is a formidable lawyer and cross-border strategist." (Benchmark Litigation Asia-Pacific 2023)

Shaun is actively involved in artificial intelligence matters. He was recently successful in representing a prominent digital assets company in a USD 36 million dispute involving novel and complex issues around legal liability arising from purported errors made by trading systems powered by artificial intelligence models and algorithms. He also advised a leading global A.I. powerhouse on cross border disputes and acted as its relationship Partner for projects in Asia and the Middle East. He regularly engages in involved considerations around A.I. matters and hosted seminars on topics such as "Don't Sue Me, Sue The Robot!": Arbitrating Artificial Intelligence Liability Disputes" and "Flourishing in the Age of Artificial Intelligence: Essential Elements of being a New Age Digital Corporate Counsel". He recently advocated against pausing the development of A.I. in his article [here](#) which is published by the Singapore Business Times.

His experiences in digital assets, blockchain and "Web 3.0" related disputes include:

- Shaun recently became the first lawyer in the world to successfully obtain a worldwide proprietary injunction to freeze a non-fungible token on the blockchain in a commercial dispute.
- Shaun successfully represented a prominent cryptocurrency exchange in an SIAC international arbitration in a dispute arising from a joint investment where incentive milestone payments were paid in a digital token. The dispute involves complex considerations around the proper valuation of and enforcement against cryptocurrencies.
- Shaun successfully represented a global cryptocurrency exchange in a dispute which involves complex considerations around the obligations of an exchange in being an innocent third party to the movement of digital assets arising from alleged fraudulent activities.
- Shaun advised a cryptocurrency exchange on cross border strategies in an international arbitration over cryptocurrency-based structured financial products.
- Shaun often works with clients to design disputes prevention and disputes mitigation processes prior to the occurrence of any disputes.
- Shaun regularly helps clients develop and deploy effective cross border strategies when disputes arise relating to cryptocurrencies and/or NFTs, representing clients in international arbitrations including enforcement work across a myriad of jurisdictions, and advising clients on investments in digital assets.

Upon graduating with First Class Honours from the National University of Singapore, Shaun served in a judicial capacity as a Magistrate and Assistant Registrar of the Supreme Court for five years, where he published several notable written judgments on international arbitration law. The decisions include *Firstlink Investments v GT Payment* on the applicable law governing an arbitration agreement as endorsed by the English Court of Appeal, and *Titan Unity*, endorsed by the Singapore Court of Appeal, on the threshold to determine the existence of a valid arbitration agreement. He was the Head of the Court of Appeal Section of the Supreme Court Registry, and was involved in the establishment of the Singapore International Commercial Court (SICC) as Secretariat of the SICC committee.

Shaun serves on the Inquiry Panel of the Law Society of Singapore.

He is a panel arbitrator with the Singapore International Arbitration Centre (SIAC), and with premier international arbitration centres across Asia-Pacific including China and India:

- Shaun is appointed Arbitrator with the Court of Arbitration of the Blockchain Arbitration Society.
- He is an Arbitrator with the Bali International Arbitration and Mediation Center.
- Alongside luminaries in international arbitration practice, Shaun is appointed on the Panel of Arbitrators with the Center for International Investment and Commercial Arbitration, a key institution to resolve energy,

infrastructure, and Belt & Road disputes.

- Shaun is the first Singaporean to be appointed on the panel of Arbitrators with the Tashkent International Arbitration Centre (TIAC). Sitting in a strategic pivot of the ancient Silk Road as well as the modern Digital Silk Road, the TIAC is a prime centre to resolve cross border Belt & Road disputes, and is also proud to promote the resolution of technology disputes, where the *lex arbitri* has found disputes involving issues of blockchain, cryptocurrency, and artificial intelligence to be arbitrable.
- He is appointed an Arbitrator (仲裁人) on the Panel of BeiHai Asia International Arbitration Centre (北海亚洲国际仲裁中心), with a focus on ASEAN Belt & Road Disputes. The Centre is the first ever International Arbitration Centre in Singapore established by a Chinese commission.
- Shaun is appointed a Panel Arbitrator of the Thailand Arbitration Centre, a premier international arbitration centre in the ASEAN region.
- In recognition of his work on international technology disputes, Shaun is also appointed an Arbitrator on the Panel of the Bangalore International Mediation, Arbitration and Conciliation Centre, styled the "Silicon Valley of South Asia".

Shaun also helps organisations develop and implement effective crisis management programs. His defining experience in this area was in his representation of a global healthcare company in a crisis management case in a North Asian country, where he was substantially engaged in all aspects of legal and strategic work around the case; including work on mass class action civil claims filed by victims, mediation, settlement and compensation, forensic investigations work in cooperation with Korean authorities, criminal defence work in relation to charged individuals, and strategic, legal advice regarding communications with media and political stakeholders.

Track record

High profile dispute involving "Asia's Fort Knox"

Represented the owner of the Singapore Freeport, Worldwide VGS B.V. in relation to damages arising from contractual breach of the purchase of the Singapore Freeport.

Multi-million dollar energy ICC international arbitration

Acted on the instructions of Boustead Singapore Limited to represent its wholly owned subsidiary PT Boustead Maxitherm Industries in a multi-million dollar energy ICC international arbitration against the Indonesian state owned energy company PT Perusahaan Listrik Negara.

Engineering company asset dispute

Successfully represented a prominent international energy sector engineering company in an Singapore International Arbitration Centre (SIAC) Emergency Arbitration to protect and preserve the client's assets in a multi-million dispute arising out of coal-fired power stations in Indonesia.

Shareholders' dispute

Successfully represented a leading Singapore infrastructure and engineering company in a shareholders' dispute and derivative corporate action with dissenting shareholders successfully managed out of the company.

SIAC emergency arbitration

Successfully represented a global energy client in an Singapore International Arbitration Centre (SIAC) Emergency Arbitration in obtaining emergency relief to protect and preserve the client's assets in a multi-million dollar commodities dispute.

SIAC arbitration

Successfully represented a global client engaged in supplying energy products for breaches committed by an Indonesian company of the client's exclusive entitlement to energy goods in Indonesia in an SIAC arbitration.

SIAC arbitration

Successfully represented one of the world's largest Japanese car manufacturers in an alleged breach of a nationwide distributorship agreement in an SIAC arbitration.

SIAC arbitration

Successfully represented global bank as respondent to alleged claims in breach of Joint Venture agreement and economic torts arising from an unsuccessful entertainment development project in Thailand, for an SIAC arbitration.

Offshore gas block

Worked directly with King's Counsel on the dispute between Reliance Industries, BP and the Government of India over revisions in gas prices and amends to cost recovery provisions of a Production Sharing Contract over an offshore gas block in the Bay of Bengal.

Commercial Arbitration Association arbitration

Successfully represented one of the world's largest Japanese car manufacturers in a Japan Commercial Arbitration Association arbitration. The Middle Eastern claimant alleged failure to assist with fulfilling licensing requirements, and alleged breach of warranties.

Bridge collapse dispute

Shaun was counsel in a bridge collapse dispute referred to HKIAC arbitration, which involves the collapse of a substantial portion of the 55-kilometre Hong Kong - Zhuhai - Macau Bridge during the construction phases. The dispute involved considerations around the correct construction methods used for land reclamation and testing methods used to ascertain shear strength required for reclamation works.

Middle Eastern Power and Oil Refinery project

Shaun was counsel in a substantial dispute over alleged delays in supplying defective products, services and designs in relation to the manufacture of electrical houses, in particular pre-fabricated field auxiliary rooms, in support of a Middle Eastern Power and Oil Refinery Project.

Power plants in India

Shaun worked in an arbitration for claims for outstanding payments due from the building of power plants in India, and claims for rectification works necessitated by alleged negligent designs of power generators from a German company that was non-compliant with nitrogen oxide levels restrictions set by the Indian Government.

Breach of joint venture agreement

Shaun represented a global bank as respondent to alleged claims in breach of a joint venture agreement and economic torts arising from an unsuccessful entertainment development and construction project in Thailand.

ABB Holdings v Sher Hock Guan Charles

ABB Holdings Pte Ltd and others v Sher Hock Guan Charles [2010] SGHC 267

Chan Miu Yin v Philip Morris Singapore

Chan Miu Yin v Philip Morris Singapore [2011] SGHC 161

Dirak Asia v Chew Hua Kok

Dirak Asia Pte Ltd and another v Chew Hua Kok and another [2013] SGHCR 1

FirstLink Investments Corp Ltd v GT Payments Pte Ltd

FirstLink Investments Corp Ltd v GT Payments Pte Ltd and others [2014] SGHCR 12

Marina Bay Sands Pte Ltd v Ong Boon Lin Lester

Marina Bay Sands Pte Ltd v Ong Boon Lin Lester [2011] SGHC 73

Muharrem Unsal v M K Sivalingam Jaganathan

Muharrem Unsal v M K Sivalingam Jaganathan [2010] SGHC 241

Surface Stone Pte Ltd v Tay Seng Leon

Surface Stone Pte Ltd v Tay Seng Leon and another [2011] SGHC 223

The Titan Unity

The “Titan Unity” (No 2) [2014] SGHCR 04

The Titan Unity

The “Titan Unity” [2013] SGHCR 28

Talks

- Speaker, ' [*Withers talks: cryptocurrency. | Ep 7 - Investing in NFTs and crypto assets - practical perspectives from Asia.*](#) Withers podcast - April 29, 2021
- Speaker on “Managing Contracts in a time of Crisis” on 17 June 2020, a webinar organised by Events4Sure
- Speaker on “The Covid-19 International Arbitration Protocol - Making Arbitration Make Sense Again; the expedient and cost-effective resolution of your Cross-Border dispute”, a webinar organised by the BeiHai Asia International Arbitration Centre, in May 2020.
- Speaker on “Flourishing in the Age of Artificial Intelligence: Essential Elements of being a New Age Digital Corporate Counsel”, a webinar organised by Shaun alongside friends from Amazon, SenseTime, and Telkomsel, in May 2020.
- Speaker on “The Legal Profession in the Age of Covid-19 - Global perspective”, a webinar organised by Events4Sure.
- Speaker on “Crisis Management - Key Strategic Decisions to gain an advantage in Technology Disputes”, organised by WIPO and SCCA, in April 2020.
- Radio appearance on MoneyFM 89.3, The Breakfast Huddle Show, on 16 April 2020, where Shaun spoke on “How businesses can mitigate their legal risks and exposure caused by disruptions resulting from COVID-19”.
- Speaker on “Covid-19: Managing a Crisis - Maximising Opportunities and Minimizing Risks”, a webinar organised by The ConciergeCo in April 2020.
- Speaker on “How to win without fighting - effective strategies in Cross Border disputes” in a seminar organised by Clariden global in January 2020.
- Lead speaker in the Korean Commercial Arbitration Board (KCAB)'s International Arbitration Symposium held during the International Bar Association week in September 2019.
- Keynote Speaker on Crisis Management in the Digital Age at the inaugural Singapore Pharma Gorilla, a global pharma, life sciences and biotech conference held on 25 June 2019.
- Speaker on interplay between Artificial Intelligence and the law, in Echelon Asia Summit held on 23 and 24 May 2019.
- Speaker on law and technology in the Tech Law Fest in September 2019.

External publications

Shaun, together with Theodore Ang, co-wrote the Singapore chapter on "Force Majeure and Hardship in the Asia-Pacific Region" (2021, JURIS Legal Information).

Shaun, together with Singapore International Commercial Court Judge Justice Bernard Eder, co-wrote a chapter on "The Evolving Role of the Singapore International Commercial Court, Jurisdictional Issues and Enforcement Perspectives" in Singapore International Arbitration Law & Practice (2018, Second Edition, LexisNexis).

Shaun is a contributing author to the Singapore Civil Procedure ("The White Book") for the 2018, 2019, and 2020 editions. In all editions, Shaun was in charge of the chapters relating to international arbitration, Singapore arbitration and the Singapore International Commercial Court.

Chitty on Contracts, Hong Kong Specific Contracts (2019, 6th Edition, Sweet & Maxwell)

Admissions

Singapore, 2012

Education

First Class Honours, National University of Singapore, Bachelor of Laws

Languages

English
Mandarin

Memberships

Member, Singapore Academy of Law
Member, Singapore Law Society

Key dates

Year joined: 2020

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