



BRIAN KOTICK

Nationality: American & Swedish

Languages: Fluent English, Spanish & Swedish.

Brian Kotick is a rising star arbitrator specialising in investment treaty arbitration, particularly in the Latin American, Middle East and the CIS regions, with a particular focus in energy, natural resources and the technology and telecommunications sectors.

He has experience under all major institutions, including the LCIA, ICC, SCC, ICSID, UNCITRAL, ICDR and *ad hoc* Rules.

In addition to his arbitration practice, Brian regularly writes articles, acts as a visiting lecturer on various arbitration topics at universities in Sweden, the United Kingdom and Latin America, and has been invited to speak at arbitration conferences all over the globe.

Sector Expertise

- Investment Treaty Disputes
- Energy (Oil & Gas and Renewables), Mining
- Technology & Telecommunications

Investment Treaty Disputes

Brian has routinely acted for both sovereign States and investors in investment treaty arbitration disputes under the ICSID and UNCITRAL Rules in the energy, mining, infrastructure, food and beverage and telecommunications sectors. Brian's experience in investment treaty disputes covers a wide range of public international law and international dispute resolution issues arising out of bilateral investment agreements and multilateral agreements, such as the Energy Charter Treaty.

Brian also has experience in advising clients on the post-award stage. Brian has acted as counsel in annulment proceedings before an ICSID *ad hoc* committee, as well as in recognition and enforcement proceedings in various jurisdictions.

Energy, Oil & Gas

Brian has an in-depth understanding of energy and mining & metals markets in diverse geo-political and industry climates. Brian has represented clients in both investment treaty and commercial arbitrations regarding nuclear energy, downstream and upstream oil and gas, oil well drilling and mining codes and concessions.

Brian has represented clients in several major regions globally, including South America, the Middle East, Western Asia and the Nordics. One of Brian's most noted cases was when he acted as counsel for the Vattenfall Group in *Vattenfall et al. v. Germany*, which concerned the moratorium on nuclear energy declared by the German Government that caused the immediate and permanent shutdown of several nuclear power plants.

In the field of renewables, Brian has advised clients in contentious and non-contentious matters relating to a sovereign State's implementation and revocation of incentive regimes.

Technology & Telecommunications

Brian has acted as counsel in a variety of commercial technology disputes, covering issues arising out of distribution contracts, license agreements and joint venture agreements. Brian has recently acted as counsel in a dispute concerning a bilateral transaction of cryptocurrency before the DIFC courts.

Brian also has a commercial and academic understanding of space arbitration. In one case, Brian acted as counsel for a commercial satellite company in an UNCITRAL arbitration against a Russian space company regarding the launch of special-purpose launch vehicles off the shore of Kazakhstan.

Experience

Investment Treaty Arbitration

- Represented the investors in *Vattenfall et al. v. Germany* in an ICSID arbitration under the Energy Charter Treaty relating to Germany's decision to shut down three of the investors' nuclear power plants;
- Represented an Eastern European state in an UNCITRAL arbitration under the Russia-Ukraine bilateral investment treaty relating to an investment in a refinery;

- Represented Mr. Ioan Micula in *Micula et al. v. Romania II* in an ICSID arbitration under the Sweden-Romania bilateral investment treaty relating to the Government's failure to enforce its tax laws and prevent the growth of illegal alcohol sales, causing harm to the investors' spirits business;
- Represented the investor in *Dominion Minerals v. Panama* in an ICSID arbitration under the US-Panama bilateral investment treaty relating to the expropriation of the investor's mining license; and
- Represented Mr. Ioan Micula in *Micula et al. v. Romania I* in an ICSID annulment proceeding, which concluded in the successful defence of the arbitral award.

Commercial Arbitration

- Represented an international fast-food chain in two parallel SCC arbitrations against two Russian individual franchisees concerning the serial violation of numerous franchise agreements;
- Represented a Swiss commercial satellite company in an UNCITRAL arbitration against a Russian space company regarding a satellite launching service agreement;
- Represented a medical device company in an IDRC arbitration against multiple parties in South Korea, China and Hong Kong regarding a claim for copyright and trademark infringement;
- Represented a major UAE steel company in a DIAC arbitration against a Chinese conglomerate regarding several shipments of steel alloys;
- Advised a wholly-owned Icelandic subsidiary of a US aluminium company in an SCC arbitration concerning a power contract for an aluminium reduction plant in Iceland.

As Secretary

- Secretary to a Sole Arbitrator, Prof. Dr. Kaj Hobér, in an LCIA arbitration concerning a manufacturing agreement between a US company and a German company;
- Secretary to the Chair of a three-person Arbitral Tribunal, Prof. Dr. Kaj Hobér, in an SCC arbitration concerning the construction of three oil wells in Turkey; and
- Secretary to the Chair of a three-person Arbitral Tribunal, Prof. Dr. Kaj Hobér, in an SCC arbitration concerning the construction of a renewable energy plant in Finland.

Academic & Professional Qualifications

Brian is qualified to practice in New York, California and England & Wales.

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Education

- Stockholm University, Stockholm, Sweden, LL.M., June 2012
- American University - Washington College of Law, Washington, D.C., Juris Doctor, May 2011
- University of Michigan, Ann Arbor, MI, Bachelor of Arts in Economics and Spanish, May 2008

Past Experience

- M.B. KEMP LLP, London, UK, Partner, November 2020 - present
- Winston & Strawn (London) LLP, London, UK, Attorney, 2018 – 2020
- Mannheimer Swartling Advokatbyrå, Stockholm, Sweden, Senior Associate, 2018, Associate, 2012 – 2017
- Baker & McKenzie, Madrid, Spain, Trainee, 2010
- The Walt Disney Company, Buenos Aires, Argentina, Legal Intern for Regional Legal Counsel – Latin America, 2009

Professional Associations & Recognition

- American Bar Association
- Swedish Arbitration Association
- Young Arbitrator's Sweden
- Young ISDS Club
- Rising Arbitrators Initiative

Publications, Articles & Thought Leadership

- Brian Kotick, "Flying Too Close to the Sun: Alternatives to the Costs Follow the Event Approach in Investor-State Arbitration", Juris Conferences – Investment Treaty Conference Publication (Summer 2020).
- Brian Kotick and Joel Dahlquist Cullborg, "A (Counter) Balancing Act: The Express Power to Order a Security on a Stay of Enforcement Pending Annulment", ICSID Review - Foreign Investment Law Journal (Spring 2018).

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- Brian Kotick, "The Swedish Government Revives Efforts to Modernise the Arbitration Act", Kluwer Arbitration Blog, 9 April 2018.
- Brian Kotick and Claire Morel de Westgaver, "Improper Deliberations in International Arbitration as a Ground for Annulment", Kluwer Arbitration Blog, 5 May 2017.
- Co-founder and co-host, "[The Arbitration Station](#)". Weekly podcast since September 2017 (available on iTunes and SoundCloud).

Directories & Credentials

Brian has been recognised as "Future Leader" by **Who's Who Legal: Arbitration 2021** and **Who's Who Legal: Arbitration 2022**.

Credentials include;

- ITESO, Universidad Jesuita de Guadalajara, Guadalajara, Mexico, Visiting Lecturer, 2020 – 2022
- Stockholm University, Stockholm, Sweden, Visiting Lecturer, 2013 – 2018
- Uppsala University, Uppsala, Sweden, Visiting Lecturer, 2016 – 2018

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