



Aditya Kurian

Counsel

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Aditya Kurian is a counsel in O'Melveny's Hong Kong office and a member of the International Disputes and Arbitration Group.

Prior to joining O'Melveny, Aditya was Counsel and Head of the India Region at the Hong Kong International Arbitration Centre (HKIAC) for four years, giving him special insight into the workings of the HKIAC and arbitral institutions in Asia generally. Aditya is also an HKIAC-accredited tribunal secretary. Before joining the HKIAC, Aditya clerked at the Secretariat of the ICC International Court of Arbitration in Hong Kong, which gave him a strong understanding of the ICC Rules and valuable insights into the institution's practices.

During his time as Counsel at the HKIAC, Aditya administered more than 200 international arbitrations. He was responsible for drafting proposals for confirmation/non-confirmation of party nominated arbitrators, appointment of arbitrators, determination on the number of arbitrators, assisting the HKIAC Panel on determination of challenges to arbitrators, fixing the fees of the arbitral tribunal, determination of applications under the expedited procedure, determination of HKIAC's jurisdictional power to proceed with an arbitration, granting extension of time limits to the parties, determination of requests for consolidation of arbitrations, determination of requests for joinder of third parties, managing costs of the arbitral tribunal, constitution of the arbitral tribunal, monitoring and supervising arbitral proceedings, and application of HKIAC's procedural rules to the arbitral proceedings.

Admissions

Hong Kong

India

Education

Duke University School of Law, LL.M.

The National University of Juridical Sciences, Calcutta, India, B.A., LL.B. (Hons)

Experience

International Arbitration

- Advising a South Korean biopharmaceutical company in commercial disputes with an Indonesian company arising out of a distributorship agreement involving intellectual property rights disputes amongst others governed by Singapore law
- Representing a Taiwanese biopharmaceutical company in an HKIAC arbitration against a European pharmaceutical company in a US\$100 million dispute governed by Hong Kong law
- Advising a South Korean pharmaceutical company in commercial disputes with its European distributor arising out of distributorship agreements involving intellectual property rights disputes amongst others governed by Singapore law subject to ICC arbitration
- Advising a US technology company in commercial disputes with a leading Indian manufacturer arising out of engine supply agreements governed by Indian law subject to SIAC arbitration.
- Representing BVI companies in an HKIAC arbitration against a PRC company in a US\$25 million commercial dispute governed by Hong Kong Law
- Representing a US technology company in an SIAC arbitration related litigation proceeding against an Indian company in India, on issues governed by Indian Law
- Representing a South Korean infrastructure company in an ICC arbitration against Bangladesh and Singapore companies in a US\$80 million commercial dispute governed by Swiss Law.
- Representing a US satellite company in an HKIAC arbitration against PRC, BVI and Cayman entities in a US\$100 million commercial dispute governed by English Law.
- Represented a PRC entertainment company in an HKIAC arbitration against a US entertainment company in a US\$25 million commercial dispute governed by Hong Kong Law.
- Represented a South Korean telecommunications company in an ICC arbitration against a Japanese company in a US\$429 million commercial dispute governed by New York Law.
- Advised a South Korean power company in an SIAC arbitration against an Indian company in a US\$600 million in a commercial dispute governed by Indian Law.

Investigations

- Represented a US transportation network company in a federal criminal investigation by the US Department of Justice into alleged FCPA violations.
- Represented a US satellite company in an internal investigation of the sales and marketing practices of the company regarding end users in the Indonesia Defense and Intelligence market.
- Represented individuals of a leading international bank in the federal criminal investigation by the US Department of Justice of 1MDB.

Litigation

- Acting for a major contractor in disputes arising from a multi-billion dollar rail project

Professional Activities

Member

- Permanent Member, National Committee Nominations Commission for Hong Kong, ICC International Court of Arbitration
- ICC-HK Arbitration & ADR Committee
- HK45 Committee

Publications

- “The ‘Pay As You Go’ Principle in Deciding Costs: A Powerful Tool in the Arbitral Tribunal’s Case Management Arsenal,” *Asian Dispute Review*, April 2021
- *Arbitration in Hong Kong - A Practical Guide*, Fourth Edition, Sweet & Maxwell, Contributing Author (2017)
- “Hong Kong and the HKIAC: Adding Value for Indian Parties,” *Asian-MENA Counsel* (April 2015)
- “What India can learn from Hong Kong,” *Global Arbitration Review* (August 2015)
- “Arbitration Reform in India: A Look at the Hong Kong Model,” *Kluwer Arbitration Blog* (July 2015)

Speaking Opportunities

- “Let’s Talk Mergers, Acquisitions and Risk”, Panelist, Hong Kong International Arbitration Centre, and the Indian National Bar Association, May 2022
- “Look beyond Covid-19: Connect and Unite through Belt and Road and LawTech”, Law Society of Hong Kong, “Concepts of Force Majeure and Frustration in Hong Kong law”, November 2020
- “India-Hong Kong Tax Treaty, Opportunities for Business and Drafting Dispute Resolution Clauses with Indian Parties,” O’Melveny Presents, O’Melveny, Hong Kong (May 2018)
- “Third Party Funding for Arbitration in Hong Kong,” GIA International Arbitration Conference, Skadden Arps Slate Meagher & Flom, Hong Kong (March 2017)
- “Emergency Arbitration Procedure: Key Considerations for Indian Parties,” Wolters Kluwer International Arbitration Conference, New Delhi (March 2017)
- “Arbitration for Insurance Disputes,” Insurance Institute of Hong Kong (March 2017)
- “Third Party Funding in Investment Arbitration,” Kuala Lumpur Regional Arbitration Centre (2017)
- “Dispute Resolution: Best Practices and Effective Cost Management,” Counsel Congress, Gennext (2016)
- “India M&A,” IFLR Asia M&A Forum (2016)
- “Emerging Trends in International Arbitration,” Nishith Desai Associates Seminar (2015)
- “Advantages of Hong Kong Arbitration and HKIAC’s Rules,” Arbitrators Association of India (2014)
- “Institutional Arbitration as a Mechanism for International Financial Disputes,” HKIAC (2014)
- National Law Day Conference, Indian National Bar Association (2014)

Languages

- Hindi