



PROFILE AND BIOGRAPHICAL DATA OF Mr. JAYEMS DHINGRA

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Date of Birth: **05 December 1955**

Nationality: **Singaporean**

Brief Profile

Practicing as Arbitrator, Adjudicator, Mediator, Claims Consultant, Expert, Management Consultant and Disputes Resolutions Practitioner

Jayems Dhingra is a Certified International Arbitrator, Adjudicator, Mediator and dispute resolver through various Alternative Dispute Resolution (ADR) forums. Over the 44 year period, Jayems has worked and consulted in the industry verticals encompassing: Technology, Marine, Offshore, Oil & Gas Pipelines, Infrastructure Development Projects (Ports, Offshore Supply Bases, Oil & Gas Terminals and Airports etcetera), EPCIC Contracts, Oil & Gas Exploration & Production, Petrochemical Process Plants and Power Plant Construction Projects, Logistics & Warehousing, and Shipyards, in Asia, Africa, Middle East, Americas and Europe.

He continues to be actively engaged in arbitration, adjudication, litigation and mediation, in diverse roles as: sole arbitrator, tribunal member & chairman, adjudicator, mediator and expert witness for matters ranging from Charter Party, Shipbuilding, Ship Repair, Civil Construction, Offshore Exploration Services contracts, sophisticated equipment sales & purchase contracts involving proprietary processes (IP), licensed production and intellectual property rights.

He also works as the Principal Management Consultant with *Tiberias Management Consultants Limited* Hong Kong and Singapore, specialising in the fields of corporate management consultancy, international contracts reviews and alternative dispute resolutions services. He has been frequently engaged for strategic planning, and assignments like: due diligence, acquisitions, mergers and mission critical assignments. The assignments often involve resolving various operational issues, contracts reviews, cost controls, project

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management matters and enhancement of international procurement and Supply Chain Management systems. Jayems has successfully assisted offshore E & P clients in managing contractual disputes arising from international contracts for upgrading & conversion projects.

Jayems graduated with a bachelor's degree in Electrical Engineering, MBA in General Management, Master of Technology in Knowledge Engineering, Master of Science in Maritime Studies and LL.M. (IP Law). He holds professional qualifications in marine, including the Chief Engineer's First-Class Certificate of Competency (DOT, UK).

Jayems is further qualified and accredited as Certified International Arbitrator, Chartered Arbitrator, Sports arbitrator under CAS Rules, Accredited Adjudicator and Accredited Mediator. He is admitted to the international panels of arbitrators with ACICA and AMTAC, Australia; CI Arb (UK); HKIAC Hong Kong; AIAC, Malaysia; AIADR, Malaysia; KCAB, Seoul, South Korea; ICA, Delhi, India; ICC (Singapore); Singapore Institute of Surveyors and Valuers (SISV); Singapore Chamber of Maritime Arbitration (SCMA); Saudi Centre for Commercial Arbitration (SCCA), Saudi Arabia; Mediator, CMC and SIMI Singapore. He is also registered as international arbitrator in Europe with SCC, Stockholm; LCIA, London; VIAC Vienna, Austria. He is also admitted to various professional institutions: 'Fellow', Chartered Institute of Arbitrators, ('FCI Arb'); Fellow, Asian Institute of ADR (FAIADR); Fellow, Hong Kong Institute of Directors (FHKIAD), Member, Singapore Institute of Directors (M.S.I.D.), and Member, Association of International Petroleum Negotiators (AIPN) USA.

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

- 1) LL.M. (IP Law) University of Turin, Italy, jointly with WIPO & ITCILO
- 2) Associate Faculty, (f.k.a. SIM University) Singapore University of Social Sciences (SUSS)
- 3) Certificate of Attendance in "International & Comparative Oil & Gas Law", a Course conducted by National University of Singapore, in Year 2012
- 4) Adjudicator Course, through undertaking Adjudication Conversion Course held in July 2012 and refresher course in December 2017 at KLRCA, Kuala Lumpur, Malaysia
- 5) Graduate Certificate in International Arbitration, awarded by National University of Singapore (NUS), Singapore, (2005)
- 6) Chartered Arbitrator Status, through completion of all courses as per the Pathways Program of the Chartered Institute of Arbitrators, London, UK (2004-2006)
- 7) M. Sc. (Maritime Studies), Nanyang Technological University (NTU), Singapore, (2006)
- 8) M. Tech (Knowledge Engineering) National University of Singapore (NUS), (2003)
- 9) M. B. A. (General Management), University of Hull, UK, (1994)
- 10) Chief Marine Engineer's "First Class Certificate of Competency", South Shields, (DOT, UK), (1985)
- 11) B. E. (Electrical), Punjab University, Chandigarh, India (1976)

Intellectual Property Rights Related Qualifications

- (i) LL.M. (IP Law) from University of Turin, Italy, in collaboration with WIPO & ITCILO
 - (ii) Certificate of Completion of the Advanced Course on Arbitration and Mediation Procedure under the WIPO Rules, awarded by WIPO in June 2018, with 95% scores.
 - (iii) Certificated Course on Collective Management of Copyrights and Related Rights for CMOs, by WIPO completed in Dec 2018 with 96% scores.
 - (iv) Certificated Course on Collective Management of Copyrights and Related Rights for Legal Professionals, by WIPO completed in Dec 2018 with 95% scores.
 - (v) Certificate of Completion of the Course on, Introduction to Patent Cooperation Treaty, awarded by WIPO in Sep 2018.
 - (vi) Certificate of Completion of the Advanced Course on Software Licensing Including Open Source awarded by WIPO in May 2018.
 - (vii) Certificate of Completion of the General Course on Intellectual Property awarded by WIPO in April 2018.
 - (viii) Completed a Course on Intellectual Property Panorama and Primer on IP, conducted by WIPO from Jan to Dec 2018.
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PRESENT POSITION

**Certified International Arbitrator | Chartered Arbitrator | Accredited Adjudicator
| Accredited Mediator | ADR & Corporate Management Consultant**

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

44 Years of practical experiences comprising of:

-  21 years as “Arbitrator, Adjudicator, Mediator / Independent ADR Practitioner & Management Consultant”
-  5 years as “Managing Director” (Singapore & Malaysia)
-  5 years as “General Manager” (Singapore & Malaysia)
-  13 years in Projects, Operations and Plant Management as an Engineer (Electrical, Marine, M & E, Automation, Power & Utilities, Civil Construction) in multiple countries across Europe, Middle East, and US.

MEMBERSHIP IN PROFESSIONAL BODIES**Positions Held on the Boards and Committees of Professional Bodies**

- 1) Member, Board of Management, Chartered Institute of Arbitrators, London, UK till 2018
- 2) Member, Drafting Committee, LNG Sales and Purchase Agreement for Oil & Gas Industry (2019-2020), by AIPN (USA)
- 3) Member, Drafting Committee, International Dispute Resolution Agreement for Oil & Gas Contracts (2017), by AIPN (USA)
- 4) Member, Drafting Committee, Drilling Contract (2018-19), AIPN (USA)
- 5) Member, Legal Committee (till 31 Dec 2015), Hong Kong General Chamber of Commerce (HKGCC);
- 6) Member, Professional Development Committee (2017-2018), Corporate Governance, Risk and Compliances (GRC) Committee (2015-16), of Singapore Institute of Directors
- 7) Chairman, CaseTrust Advisory Council of Consumers Association of Singapore, since 2015
- 8) Member, Central Governance Committee and Member, Editorial Committee of Consumers Association of Singapore, since 2015
- 9) Member, Shipping & Transport Committee (till 31 Dec 2016), Hong Kong General Chamber of Commerce (HKGCC)
- 10) Committee Member of the CIArb East Asia Branch (Hong Kong) Committee from 2006 to 2010
- 11) Director / Committee Member of the CIArb (Singapore) Chapter & Branch from incorporation till June 2010

Admitted to the Panels of Arbitration and Mediation Institutions

- 1) Panel Member of Asian Institute of ADR (AIADR)
- 2) Panel of Arbitrators HKIAC, Hong Kong
- 3) Panel of Arbitrators of AMTAC, Sydney, Australia
- 4) Panel of Arbitrators, SCMA, Singapore
- 5) Panel of Arbitrators of ACICA, Sydney, Australia
- 6) Panel of International Arbitrators of AIAC (KLRCA), Malaysia
- 7) Panel of DNDR Arbitrators of AIAC (KLRCA), Malaysia
- 8) Empanelled Adjudicator of AIAC (KLRCA), Malaysia
- 9) Panel of International Mediators of AIAC (KLRCA), Malaysia

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- 10) Panel of International Arbitrators, KCAB, Seoul, Korea
- 11) Admitted to the Register of Neutrals, WIPO, Geneva, Switzerland
- 12) Panel of Arbitrators of CI Arb, London, UK
- 13) Panel of International Arbitrators, Saudi Centre for Commercial Arbitration (SCCA)
- 14) Panel of International Arbitrators, ICA, India
- 15) Register of Arbitrators, LCIA, London, UK
- 16) Panel of International Arbitrators of DIAC, UAE
- 17) Panel of Arbitrators, SISV, Singapore
- 18) Registered as Arbitrator with SCC, Stockholm
- 19) Registered as Arbitrator and Mediator with VIAC, Vienna, Austria
- 20) Accredited Expert Witness by Singapore Institute of Surveyors and Valuers (SISV) and Admitted to the Panel of Expert Witnesses of SISV, Singapore
- 21) Accredited Mediator by Singapore Institute of Surveyors and Valuers (SISV) and Admitted to the Panel of Mediators, SISV, Singapore
- 22) Appointed Mediator (Gazette Appointment), since 2013 with Community Mediation Centre, Ministry of Law, Singapore
- 23) Mediator, Singapore International Mediators Institute (SIMI)

Membership of Professional Bodies

- 1) Fellow, Australian Centre for International Commercial Arbitration (ACICA)
 - 2) Chartered Arbitrator and Fellow, Chartered Institute of Arbitrators, UK
 - 3) Fellow, Asian Institute of ADR, Malaysia
 - 4) Fellow, International Institute of Mediators, Singapore (FIIM)
 - 5) Member, International Council for Commercial Arbitrators (ICCA), till 2018
 - 6) Fellow, Hong Kong Institute of Directors (FHKIoD)
 - 7) Member, Association of International Petroleum Negotiators, (AIPN) USA
 - 8) Member, Singapore Chambers of Maritime Arbitration (SCMA)
 - 9) Member, Singapore Institute of Directors (M.S.I.D.)
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AREAS OF SPECIALIZATION

Contracts, Projects, Disputes and General Business Management of:

- ✚ Design, Engineering, Production, Operations and Management of Processes and Equipment for use in Offshore & Marine Industries
- ✚ Information & Communication Technology Systems
- ✚ Process Automation & Electrical manufacturing industries
- ✚ Marine, Transportation by Sea and Shipping Management
- ✚ Offshore Exploration & Production Industries
- ✚ Oil & Gas Pipelines, Storage Terminals, Tank Farms and Petrochemical Industries
- ✚ Infrastructure Projects, Civil Construction and M & E Segments for Commercial Complexes
- ✚ Shipbuilding and Ship repair industries.
- ✚ Industrial Trading, Distributorship and Agency Networks
- ✚ Offshore Supply Bases, Ports and Floating Terminals for Bulk Cargo

EXPERIENCE IN INTELLECTUAL PROPERTY

A Brief Sample of Experiences in Contracts Drafting, Negotiations and Management of:

- ✚ Licensed Manufacturing of Patented Electrical Switchgear products
- ✚ Licensed manufacturing of Proprietary Processes for handling fluids from Oil & Gas fields
- ✚ Procurement of licenses for construction and repair methodologies for patented designs of LNG & LPG Tankers
- ✚ Process Warranties of patented filtration processes
- ✚ Design and Engineering of Complex Patented Oil Wells Drilling Control Systems
- ✚ Customized Software Applications for Centralized Controls, Monitoring and Performance Analysis of complex plants
- ✚ Development of new products for façade elevators and access controls with an objective of obtaining patents
- ✚ +++

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Jayems is experienced in Domain Name Registration procedure, protection of proliferation of domain names and safeguards against infringement of copyrights. He is currently seeking appointments as DNDR Neutral, both in arbitration and mediator roles.

Have already completed a course and obtained the Certificate of Completion of the “Advanced Course on Arbitration and Mediation Procedure under the WIPO Rules,” awarded by WIPO in June 2018.

MAJOR PUBLICATIONS

- Dhingra J. (2020 to be published). *Granting Injunctions in Arbitral Awards against Infringement of Intellectual Property Rights – An Act of Balancing Fair and Equitable Treatment with Proportionality and Dissuasiveness.*
- Dhingra J. (2020, to be published). *Can Arbitration be an Effective Forum for Enforcing Claims against Non-Contractual Third Parties, for Infringement of Intellectual Property Rights?*
- Dhingra J. (2017, December). *Can Seamless Flow of Trade And Sustainability of OBOR Economies be Fathomed – Without Harmonization of Trade Laws And Adoption of UN Model Laws?* Paper for publications of 2017 UNCITRAL Emergence Conference, hosted by University of Macau and The United Nations Commission on International Trade Law, Regional Centre, Korea.
- Dhingra J. (2016, December). *Relevance of Arbitration in Threat to Sovereignty Cases and Applicability of UNCLOS 1982.* Paper for publications of 2016 UNCITRAL Emergence Conference, hosted by University of Macau and The United Nations Commission on International Trade Law, Regional Centre, Korea.
- Dhingra J. (2016, December). *Are the State Regulators Being Challenged or Undermined by Financial Technology & Borderless Digital Payment Platforms?* Paper presented at 2016 UNCITRAL Emergence Conference, hosted by University of Macau and The United Nations Commission on International Trade Law, Regional Centre, Korea.
- Dhingra J. (2016, June). *Engaging the Disengaged - in Virtual Classrooms for Adult Learners.* Paper presented at the eLFA 2016, The Eleventh e-Learning Forum Asia 2016, Shanghai, China.
- Dhingra J. (2015, November). *Can Justice be served without Transparency in International Commercial Arbitrations?* Paper presented at 2015 UNCITRAL Emergence Conference, hosted by University of Macau and The United Nations Commission on International Trade Law, Macau.
- Dhingra J. (2015, June). *Pedagogy in Virtual Learning Environment without Compromising the Quality of the Scholarly Curriculum.* Paper presented at eLFA 2015, The Fifteenth e-Learning Forum Asia 2015, Singapore.
- Dhingra Jayems. "Growing Potential for Procedural Misconduct in Un-administered Maritime Arbitrations." International Congress of Maritime Arbitrators XIX, Hong Kong (May 2015).
- Dhingra Jayems. "It's Time to Unseal Sealed Offers in International Arbitration – as a Negotiation Strategy or Pressure Tactics?" *Arbitration International* 28, Issue 3 (2012): 505 - 526.
- Dhingra Jayems. "Force Majeure Event Clauses - A Risk Sharing Strategy in Charter Party for Offshore E & P Rigs and Shipbuilding Contracts." *International Congress of Maritime Arbitrators XVIII* (May 2012): 392 – 405.

EXPERIENCE IN COURT LITIGATION

Jayems has acted as an Advisor and Consultant to the Parties engaged in Court Litigation and contractual disputes, ranging from project delays to design deficiencies, warranty claims and equipment failures. A sample list below can provide an overview of the nature of subject matter and experiences in managing high value disputes:

Project Type	Nature and Approximate Value of Dispute	Issues in Dispute
New Mine Sweeper / Research Vessel Construction	Anticipated Delays in final delivery of the Vessel and claims (US\$2m) between Consortium Members towards performing tasks in the Agreement	Patented Design <i>unsuitable for purpose</i> , led to deficiencies in design leading to construction delays and costs overrun.
Shipbuilding Contracts for Two New Ultra Deep Water AHTS Vessels	Delays due to Owner Furnished Equipment (US\$20m)	Proprietary equipment modifications <i>unsuitable / Not fit for purpose</i>
Rig Building Contracts for New Jack-up Rigs	Delays in delivery date and impact of Force Majeure Event (€200m)	All high value equipment from manufacturers of patent holders, refusing to offer within <i>reasonable terms</i>
Contract for a New MPSV	Testing & Commissioning of equipment and systems caused delays (US\$1.5m)	Installation <i>not in accordance with instructions</i> of the manufacturers
Drill Ship Upgrading and Refurbishment Contract	Anticipatory breach and termination of the Contract due to incapacity of the Contractor to undertake works and deliver by the agreed date (US\$12m)	Old designs obsolete and refurbishment design done based on site instructions / trial & error
Refurbishment of Derrick Structure	Original Manufacturer's design not available, costs of refurbishment based on assessed scope disputed (US\$2.6m)	Original drawings and design from source, unavailable caused <i>modifications to suit the purpose</i>
Mechanical Pipe Handling System	Delivery Date expired Buyer decided to Terminate the Contract and claimed refund of deposits paid and claim for losses suffered (US\$3m)	<i>Patented Product and proprietary design</i> , couldn't be procured from alternative vendors

PROFESSIONAL TRAINING IN ARBITRATION

- 1) Postgraduate course, "Graduate Certificate in International Arbitration, awarded by National University of Singapore (NUS), Singapore, (2005)
 - 2) Chartered Arbitrator Status, through completion of all courses and Award Writing Examinations followed by practical experiences, as per the Pathways Program of the Chartered Institute of Arbitrators, London, UK (2004-2006)
 - 3) Certificate in Sports Arbitration, under CAS Rules, course held at KLRCA, Malaysia (2016)
 - 4) Certificate of Completion of the Advanced Course on Arbitration and Mediation Procedure under the WIPO Rules, awarded by WIPO in June 2018
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EXPERIENCE IN ARBITRATION

- ✚ Eleven (11) Appointments as Arbitrator and Nine (9) International Arbitral Awards Published
 - ✚ Nine (9) Appointments as Adjudicator and Eight (8) Adjudication Decisions Published
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PROFESSIONAL TRAINING IN MEDIATION

1. Singapore Institute of Surveyors and Valuers (SISV) Accredited Mediation Course, 2011
 2. Basic Mediation Workshop, conducted by Community Mediation Centre (CMC), Ministry of Law, Singapore, July 2011
 3. Workshop on "Sharpening Mediation Skills and Techniques," conducted by Community Mediation Centre (CMC), Ministry of Law, Singapore, Oct 2015
 4. How to Cope with Dilemmas in Mediation, conducted by Community Mediation Centre (CMC), Ministry of Law, Singapore, April 2016
 5. As Course Director, developed and conducted a five day course for SISV Accredited Mediators for Construction Industry And Real Estate Agency Segments, Singapore, 2012
 6. An Asian Perspective on Mediation, conducted by Community Mediation Centre (CMC), Ministry of Law, Singapore, Oct 2014
 7. Advanced Mediation Workshop for Accredited Mediators, conducted by CMC, Aug 2015
 8. Certificate of Completion of the Advanced Course on Arbitration and Mediation Procedure under the WIPO Rules, awarded by WIPO in June 2018
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EXPERIENCE IN MEDIATION

- ✚ 42 Appointments as Mediator and 39 Mediation Cases Resolved (93% Success Rate till date)
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