



# David Parratt KC (Scot)

**Year of Call:** 1999

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## Commercial

David Parratt KC (Scot) has a comprehensive commercial practice, with a particular focus on complex commercial disputes, intellectual property, joint ventures. A significant proportion of the matters in which he acts arise within the energy & utilities sector (including oil/gas upstream claims) and involve questions of conflicts between international jurisdictions.

David appears as Counsel at all levels of the senior courts, especially the Commercial Court, as well as in both international and domestic arbitrations under various institutional rules (ICC; LCIA; LMAA; ADCAAC).

He is a Fellow of the Chartered Institute of Arbitrators, holds Chartered Arbitrator status and is a panel member of the leading international arbitral institutions. He has been appointed as an arbitrator in both ad hoc and institutional arbitrations.

### Ongoing cases

**SE v IM** – Advising Claimant following Notice of Continuance from Dubai Courts and whether to pursue claim for Share expropriation and fraud.

**T. (Austria) v. A&B (Qatar) (LCIA, Seat London, 2019)** – Retained as counsel for the Claimant in a Licence infringement case concerning Intellectual Property Rights and Trademarks. (\$5m)

**D v E (DIAC, LCIA, 2020)** – Advising Dubai based companies in respect of ongoing obligations to Oil Part Supply Agreements and on prospects regarding two separate arbitration clauses and alleged breaches of licences. (£1m)

**Woodstone Carpentry Limited v Crystal Engineering Limited** – Ongoing dispute in connection with installation of FRA on Post Grenfell Tower Buildings in London Boroughs. (2022; High Court).

**McAnally v St J** – Advising claimant in respect of claims against Financial Advisers for Professional Negligence.

### Recent cases

**I v. BT (Scottish Arbitration Centre, 2023)** – Counsel for Taiwanese Franchisor party against Taiwanese Franchisee party in respect of breach of Area Agreements for supply of fruit tea and infringements of Intellectual Property rights.

**M. v. S (LCIA, 2020)** – LCIA Arbitration c.£25m claim by shareholders against their JV partners in an electricity supply business. The Case required expert evidence on whether minority discounts were appropriate (DLOC DLOM) in the valuation and what the venture capital rates of return would have been in that valuation.

**Microlise Limited v (1) James Kemball Limited (2) Uniserve Holdings Limited** – High Court (KBD) dispute between a Transport Logistics group of companies and the supplier of transport telemetry devices fitted into cabs of lorries raising several issues as to (i) contract formation; (ii) incorporation of terms; (iii) allegations of breach of licence and misrepresentation; (iv)

causation and quantification of loss. The Case also raised issues of what is necessary in terms of a clause to exclude the statutory implied terms of "fit for purpose" and "satisfactory quality" from the transactions. Leading Nicholas Kaplan. Awaiting Judgment

**EFL v An Insurer** – High Court (KBD) dispute involving the purchase of 1930s Italian Racing car at auction for the then record price for a car of its kind of c.£1,200,000. The case raised several issues including (i) precontractual representations and contractual warranties; (ii) provenance; and (iii) value. Settled on favourable grounds. Leading Nicholas Kaplan.

**AFC v AI** – High Court (Comm) dispute for claimant against BII insurer "at the premises" clauses – proceeding to trial. Settled.

**LY v C** – High Court (Comm) dispute arising for claimant against BII insurer "at the premises" clauses. Settled.

**Broderick [2022] EWHC** – Dispute concerning a partnership-at-will in £5m dispute between world famous sculptor and other partnership members and whether continued use of artistic moulds were in contravention of asserted Intellectual Property Rights.

**v. J (LMAA 2022)** – Counsel advising on High Court challenge to LMAA Award for Chinese Charterers against Canadian Owners.

**NHT v K (CIMAR 2022)** – Advising in respect of a claim in arbitration for construction defects in a Housing Scheme.

**Q. v G. (Irish Arbitration Act, 2022)** – Arbitrator. Dispute between Irish Solicitors and a former client in relation to outstanding fees.

**S. v N (LCIA London Seat, 2021)** – Counsel in dispute between Aberdeen Oil parts manufacturer and US company granted IPR rights in respect of non-exploitation.

**Dr T. v Medical Practice (English Seat, 2021)** – Counsel advising in respect of arbitration arising from a medical partnership dispute among the partners.

**Taxis v Council (Scottish Seat, 2021)** – Arbitrator. Dispute between taxi company and Council in respect of Licensing.

**MH v. C (LMAA Intermediate Procedure, 2020)** – Counsel for Claimant in Dispute with Charterer following cancellation of Charter for COVID-19 and Application of Force Majeure. Settled £500k.

**B v B (Seat London, 2020)** – Advising in family business dispute as to Partnership-at-will (£10m).

**L Limited (a Firm) v Council (ad hoc, Seat Edinburgh, 2020)** – Appointed as Arbitrator in dispute as to under a Social Mobility Agreement between the parties. Settled.

**WPT Partnership against Partners thereof (ad hoc, Seat London, 2019)** – Instructed for Claimants in a Patent Partnership Dispute and advising in respect of ad hoc arbitration for purported termination of the Partnership (£4m). Settled

**Z v. GSP (LCIA, Seat London, 2019)** – Instructed for Claimants in a \$5m claim and cross claim for a subcontractor in dispute with a Contractor in respect of the operation of a Platform off the coast of Greece. (settled)

**Scotland's Largest Litigation Funder v. Members of Faculty of Advocates (ad hoc, Seat Edinburgh) (2019)** – Instructed for the Claimants in connection with an arbitration for sums claimed under the Late Payments of Commercial Debts regulations. (Settled)

**J v. T, C & A (ADCAAC, Seat Abu Dhabi) (2021 Award)** – Appointed as co-arbitrator in connection with construction works on a major infrastructure project.

**X v Y Domestic Arbitration (ad hoc, Seat Edinburgh) (2019)** – Appointed as Arbitrator in a dispute in relation to the sums liable under a Full Repairing and Insuring Commercial Lease between two commercial entities based in Scotland. Award rendered.

**International Credit Card Company v. Debtor (ad hoc, Seat London) (2019)** – Appointed as the Arbitrator in a documents only arbitration. Award rendered.

**OMS v US Oil Major (LCIA, Seat London) (2017–2018)** – Successfully represented a small two director company in a £6m claim against an oil major in respect of outstanding invoices for hire of oil and gas equipment; a claim under a Global Collaboration Agreement and multiple claims in respect of infringement of Intellectual Property Rights.

**B Borough Council v. HG Limited (ad hoc, Seat London) (2017)** – Appointed as Counsel to the arbitration.

**SYE v. M (ICC, Seat Geneva) (2013–2016)** – Acted for Japanese Respondents with Defence and Counterclaim for \$13.5m against Turkish Sub-Contractor Claims of \$4.5m in respect of a very large railway infrastructure project in Istanbul.

**H. v. X Corp. (DIAC, Seat Dubai) (2011–2013)** – Dispute between Scandinavian JV interest and a US party. (\$1.5m).

## Articles

*To order or not to order compulsory ADR: there is no question*

Specialist commercial law barristers David Parratt QC and Rebecca Farrell review the Civil Justice Council's Report, 'Compulsory ADR'.

[View Article](#)

3PB's specialist commercial law barristers David Parratt QC and Rebecca Farrell review the cost consequences for lawyers and their clients of a refusal to engage in ADR.

The article includes a recent case law review which demonstrates a particular trend whereby Courts will examine closely the actions of the parties in relation to offers of ADR as to whether they are 'reasonable' or not. Even the failure to respond to a Part 36 Offer alongside an offer to mediate, can of itself potentially signify an unreasonable refusal to engage with ADR.

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## Academic qualifications

- LLB (Hons) University of Aberdeen (1992)
- DipLP (University of Aberdeen) (1993)
- PhD (University of Edinburgh) (2004)
- DipICarb (Chartered Institute of Arbitrators) (2008)

## Professional qualifications & appointments

- Honorary Professor of International Arbitration, School of Law, University of Aberdeen. (January 2017-to date)
- Co-Director of the Aberdeen University International Arbitration Summer School (2017 – to date)
- Visiting Lecturer, International Commercial Arbitration, and Oil and Gas Dispute Resolution, University of Aberdeen (2016-17)
- Honorary Senior Lecturer, International Construction Law and Arbitration, British University in Dubai (BUiD) (2010 – 15)
- Honorary Research Fellow, International Dispute Resolution, School of Law, University of Dundee (2008-2015)
- Honorary Lecturer, International Arbitration, Centre for Petroleum, Minerals, Law and Policy, (CEPMLP) University of Dundee (2007-10)

## Professional bodies

- Freeman of The Worshipful Company of Arbitrators

- Fellow of the Royal Historical Society (FRHistS)
- Fellow of the Society of Antiquaries of Scotland (FSAScot)
- Fellow of the Society of Legal Scholars (SLS)
- Member of the School of Advanced Legal Studies (FSALS)
- Member of the British Institute of International and Comparative Law (BIICL)
- The Honourable Society of Lincoln's Inn
- The Faculty of Advocates
- The Bar of Northern Ireland
- The Chartered Institute of Arbitrators
- TECBAR
- COMBAR
- The Arbitration Club (Oil & Gas Chapter)
- World Intellectual Property Organization (WIPO)

#### **Faculty of Advocates' Positions**

- Member of various Committees including: Faculty Council (2003-6; 2012-17)
- Curator of the Advocates Library (2005-8)
- Quality Assistance Panel Working Group (2015-7)
- Quality Assurance Scheme for Advocates (2016 – present)
- The Training Committee (2012-present)
- Scheme for Fees Committee (2014); Board of Assessors (2012 –present)
- CPD Reorganisation Committee (2016-7)
- Malawi Pro Bono Group (2014); International Committee (2016-present)
- Faculty Arbitration Group and Board member of the Faculty Dispute Resolution Service (FDRS) (2008-present)
- Special adviser to the Personal Injury Arbitration Group (2016-present).

Director of Training and Education, with responsibility for the training of devils in written and oral advocacy and for ongoing training of members of Faculty in advocacy skills and for the Quality Assurance Assessment. (2012-2017)

Advocacy Trainer and Assessor of Advocate Assessors for the Faculty Quality