

KHOO Guan Huat

**Partner
SKRINE**

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- commenced career with the Attorney-General's Chambers in 1987.
- pioneer member of the Arbitration Unit of the Chambers when the unit was set up in 1990.
- joined Skrine in 1993, and became Partner of the firm in 1996.
- regularly appears as counsel in courts at all levels and in arbitration proceedings and also sits as Arbitrator in a number of matters.
- acts as senior counsel both in the litigation and arbitration space.
- currently acting as lead counsel for the Customs and Tax Administration of the Kingdom of Denmark in litigation proceedings and for the State Governments of Johor and Kelantan in various proceedings involving land matters.
- sits as arbitrator and also acts counsel in both international and domestic arbitrations conducted under various rules of arbitration including the Asian International Arbitration Centre ("**AIAC**"), the Singapore International Arbitration Centre ("**SIAC**"), the International Chamber of Commerce ("**ICC**"), and UNCITRAL.
- presently a Member (designated by the Government of Malaysia) of the Panels of Arbitrators and Conciliators of ICSID (the International Center for Settlement of Investment Disputes)(2021-2027).
- advises financial institutions and multinational corporations on regulatory and compliance law issues, which include issues arising from legislation affecting financial services, anti-corruption and anti-money laundering, compliance, product liability and competition.
- adjunct faculty member of The ICLIF Executive Education Centre (now part of Asia School of Business – in collaboration with MIT Sloan Management) and regularly speaks on its behalf on corporate liability and corporate governance matters.
- a member of the Malaysian delegation to the Arbitration Working Group at the United Nations Commission on International Trade Law (UNCITRAL) which resulted in the revised UNCITRAL Arbitration Rules being published in 2010.
- in 2008, acted as counsel for the former Chief Justice, Tun Mohd Dzaidin, in hearings conducted by a Royal Commission of Inquiry set up by the Malaysian government.
- appeared as an expert witness on Malaysian law in several matters, including arbitration proceedings, in the United States and in Singapore.
- registered as Foreign Lawyer (with full registration) with the Singapore International Commercial Court.

Professional Affiliations

- Member, Board of Studies, Faculty of Law, University of Malaya (2015-present).

- Member (designated by the Government of Malaysia) of the Panels of Arbitrators and Conciliators of the International Center for Settlement of Investment Disputes (2021-2027).
- Member, Compensation Committee (2009-2010), Listing Committee (2010-2011), Market Participants Committee (2011-2020), Bursa Malaysia.
- Adjunct Faculty member, The ICLIF Executive Education Centre (now part of Asia School of Business – in collaboration with MIT Sloan Management).
- Listed on the panel of arbitrators of the Asian International Arbitration Centre.
- Panelist, Domain Name Dispute Resolution of the Asian Domain Name Dispute Resolution Centre and Asian International Arbitration Centre.
- Lecturer, Faculty of Law, University of Malaya in the Certificate in Legal Practice course, 1990 to 2004.
- Lecturer, the Law of International Trade in the LLM program in the University of Malaya in 1990.
- Registered Foreign Lawyer (full registration), Singapore International Commercial Court.

SUMMARY OF EXPERIENCE (SELECTED MATTERS)

Arbitration

- Acted in a number of cases in Court involving arbitration matters where the validity and/or existence of arbitration agreements and tribunal's jurisdiction were challenged. These cases were brought all the way to the Federal Court of Malaysia, whether by way of motions for leave to appeal, or by way of substantive appeals. The issues in these cases, involved, among others:
 - Application of doctrine of estoppel in determining the validity of appointment of Arbitrator
 - Jurisdiction of arbitrator to hear claims of indemnity/contribution by one Respondent against another Respondent in an arbitration
 - Interpretation of a number of related agreements to determine if an arbitration clause in one agreement supersedes another agreement stipulating the exclusive jurisdiction of the Court
- Represented a major Indian petrochemical company and defended a challenge against an arbitral tribunal award mounted by the Government of India. Additionally, have also represented parties in a number of legal proceedings involving parties challenging arbitral awards;
- Appointed to act Arbitrator by the ICC International Court of Arbitration, the Asian International Arbitration Centre (formerly Kuala Lumpur Regional Centre of Arbitration) and by disputants on *ad-hoc* appointments and appeared as counsel in a number of technology and telecommunications contract disputes. The disputes include those with respect to:
 - Mobile Virtual Network Operator and managed services for MVNO agreements
 - Software applications development agreements
 - Patent infringement and challenge to patent validity in respect of claims to invention of carriages of semiconductor packages

- Agreement to Supply, Deliver and Install a PABX system for a Call Centre
- Appointed as Arbitrator or acted as counsel in respect of various disputes, including those in respect of:
 - Agreements for the construction and completion of highways, airports, ports, hospitals, schools, factories, hotels and golf courses, palm oil mills and ammunition dump, water intake plant adjacent to a dam
 - Agreements for the sale and delivery of goods
 - Claims made pursuant to insurance policies

Intellectual Property (as Lead Counsel)

- Represented a major multinational scanning device manufacturer in infringement proceedings in respect of patent for a cargo inspection system;
- Represented a major global pharmaceutical company in invalidation proceedings of a pharmaceutical patent related to a dosage patent for an anti-cholesterol drug;
- Represented a major global pharmaceutical company in invalidation proceedings of a pharmaceutical patent for drug formulation;
- Represented a global pharmaceutical innovator company against a generics producer of a pharmaceutical product in claim involving infringement of a process patent;
- Represented a patentee in infringement proceedings in respect of a patent (telecommunications) considered as a standard essential patent;
- Represented a global medical devices manufacturer against a Japanese company in a patent infringement claim (safety intravenous catheter);
- Represented a China based home appliance manufacturer accused of patent infringement, and obtained an Appellate Court decision reversing a lower Court's finding of infringement;
- Co-ordinated and supervised litigation proceedings related to an SPC in the courts in Brunei;
- Represented a multinational food and beverage company in defending an action for infringement of a registered Industrial Design, and obtained an appellate court decision reversing a finding of infringement, together with a decision invalidating the registered Industrial Design;
- Represented a global international applications software provider against a defendant for copyright infringement, and obtained substantial damages after trial;
- Represented a trademark owner whose registration was challenged in the Federal Court and obtained an order dismissing the challenge in a matter involving issues regarding whether a non-invented word having no direct reference to the character and quality of the goods was registrable as a trademark. Also obtained substantial damages for the trademark owner upon a finding of infringement;
- Represented a major multinational defence equipment manufacturer and obtained an order dismissing a challenge against its trademark registration mounted by a competitor;
- Represented a number of UK registered Design holders in a class action and obtained a declaration in respect of the extension of the validity of their registered designs for a 25 year period;

- Represented a major telecommunications company and obtained judgment for substantial damages against a corporate entity for copyright infringement and against its directors for being liable for joint infringement.

Other Civil and Commercial Disputes (as Lead Counsel)

- Represented the Customs and Tax Administration of the Kingdom of Denmark in appeals court to successfully obtain *Anton Piller* Order and *Mareva* Injunction against defendants in proceedings for fraud/conspiracy to defraud/injure;
- Represented the Government of the State of Kelantan in proceedings to successfully to strike out a claim by the Federal Government of Malaysia in a matter involving disputes over land;
- Represented the national petrochemical company in land matters involving an Integrated Petroleum Complex;
- Represented a number of insurance companies accused of infringing Competition Act 2010;
- Represented Islamic Renaissance Front in Judicial Review proceedings to successfully quash the decision of the Minister of Home Affairs purporting to several publications;
- Represented a client to successfully oppose the application of the Public Prosecutor claiming forfeiture of funds under money-laundering legislation;
- Represented a Port Authority to successfully obtained substantial damages against its former officers for breach of statutory duties;
- Represented a major highway concessionaire in its dispute with the developer of an RFID device for use along the highways;
- Represented a Malaysian airport operator in connection with claims for Passenger Service Charges, and claims arising from network interruption issues.