



## **CLAIRE MOREL DE WESTGAVER**

**Partner**  
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### **BIOGRAPHY**

Claire Morel de Westgaver is a partner within the firm's International Arbitration team. She is dual-qualified (England & Wales and New York) and has a mixed common and civil law background, having completed her legal education in Belgium and the USA. She practices international arbitration as counsel, advocate and arbitrator, whilst also conducting proceedings in both English and French.

Claire has particular expertise in disputes relating to technology, corporate transactions, licenses, cross-border sale or service agreements, as well as disputes involving secrecy, intellectual property and cybersecurity issues. Her practice covers a broad spectrum of industries, including IT, pharmaceuticals, engineering, commodities, energy, agribusiness, media, art and defence. Claire's

experience also extends to acting in proceedings under the rules of the LCIA, ICC, AAA/ICDR, UNCITRAL and CCJA as well as in ad hoc proceedings. These arbitrations have involved the laws of multiple jurisdictions, including England & Wales, New York, Texas, France, Belgium, Luxembourg, Czech Republic, Japan, China, Qatar, Pakistan, Romania, Saint Lucia and Cyprus.

Claire regularly writes and speaks on arbitration-related subjects, including the use of technology and AI in arbitral proceedings, arbitrating technology disputes, cybersecurity in international arbitration and the preservation of trade secrets. She is also a board member of the Silicon Valley Arbitration and Mediation Center (SVAMC) and a co-founder of the Global Arbitration Review's award winning initiative 'Mute Off Thursdays'. She also sits on the ICC Taskforce on the use of Information Technology in arbitral proceedings, on the IBA Arbitration Committee Taskforce on Privilege and on the Advisory Board of CyberArb.

## **PROFESSIONAL AFFILIATIONS**

### **INNOVATION, TECHNOLOGY AND ARTIFICIAL INTELLIGENCE IN DISPUTE RESOLUTION**

- Member of the ICC Working Group on the use of Information Technology in arbitral proceedings
- Member of the 'Technology and ADR' Working Group of the Chartered Institute of Arbitrators
- Panel Member of the 2022 inaugural edition of the "Future of Technology in Arbitration" (FOTA) conference

### **CYBERSECURITY, CONFIDENTIALITY AND PRIVILEGE**

- Member of the Advisory Board of CyberArb
- Member of the International Bar Association (IBA) Arbitration Committee Taskforce on Privilege in International Arbitration

### **TECHNOLOGY, INTELLECTUAL PROPERTY AND START-UPS DISPUTES**

- Board member of the Silicon Valley Arbitration and Mediation Center (SVAMC)
- Member of the TIAC Committee for the revision of the TIAC Arbitration Rules
- Listed on the List of Arbitrators of the World Intellectual Property Organization (WIPO)
- Co-chair of the Young Professionals group for the Silicon Valley Arbitration and Mediation Centre (SVAMC-YP)

## **INTERNATIONAL ARBITRATION PRACTICE**

- Member of the Steering Committee of CEPANI40, the young practitioner group of the Belgian Centre for Arbitration and Mediation (CEPANI)
- Member of Editorial Board of b-Arbitra (Belgian Arbitration Law Review)
- Member of LexisNexis Arbitration Consulting Editorial Board

## **ADVOCACY, LEADERSHIP AND DIVERSITY**

- Co-founder, co-chair and moderator of award winning initiative Mute Off Thursdays, an online group of over 600 senior female lawyers
- Member of the ICC Working Group on Disability Inclusion in International Arbitration
- Founding member of Steering Committee of Young Arbitral Women Practitioner (YAWP)

## **SPEAKING ENGAGEMENTS**

### **INNOVATION, TECHNOLOGY AND ARTIFICIAL INTELLIGENCE IN DISPUTE RESOLUTION**

- “Innovating Together: AI’s Role in Shaping Arbitration’s Current and Future Landscape” [Swiss Arbitration Innovation Conference 2024], Geneva, 1 February 2024
- “Exploring the Synergy of law and AI – the Swedish Way” [SCC Arbitration Week], Stockholm, 25 October 2023
- “Emerging Technology and ESG” [Edinburgh International Arbitration Festival], Edinburgh, 22 September 2023
- “Judicial and Arbitral Adoption of Technology” [ITechLaw], Toronto, 26 May 2023
- “Will advances in artificial intelligence substantially disrupt the practice of law in the next 5-7 years?” [Stanford University], 25 May 2023
- “How is AI establishing standardisation across disclosure practices and litigation lifecycle management” [Future Lawyer Week UK], London, 26 April 2023
- “Young ICCA Debate – This house believe the impact of AI on arbitration is a distant pipedream, not an imminent reality” [Paris Arbitration Week], Paris, 30 March 2023
- “Adoption of Technology in Arbitration” [CIArb], 15 March 2023

- “The ICC Commission Report on ‘Leveraging Technology for Fair, Effective and Efficient International Arbitration Proceedings’: New Insights in the Post-Pandemic World” [CI Arb – Colorado Bar Association], 30 November 2022
- “Technology and arbitration” [YRAP-YAAP-VIAC], Bucharest, 6 October 2022
- “The evolution of legal technology and the role AI should have in arbitration” [Legal Business International Arbitration Summit 2022], London, 28 June 2022
- “ICC Arbitration & ADR Commission Report on Leveraging Technology for Fair, Effective and Efficient International Arbitration Proceedings” [SVAMC], 25 May 2022
- “How Artificial Intelligence can Speed up Dispute Resolution” [Future Lawyer Week Conference 5.0], 20 May 2022
- “Arbitration and Digitalisation – a Perfect Match” [CEPANI], 9 May 2022
- “ICC Arbitration & ADR Commission Report on Leveraging Technology for Fair, Effective and Efficient International Arbitration Proceedings” [ICC UK], 7 March 2022
- “ICC Arbitration & ADR Commission Report on Leveraging Technology for Fair, Effective and Efficient International Arbitration Proceedings” [Global Launch Event], 18 February 2022
- “The Digitalisation of Arbitration” [CEPANI Colloquium], 25 November 2021
- “The Rise of Technology in International Arbitration – Artificial Intelligence and Virtual Hearings” [Washington Arbitration Week], 3 December 2020
- “AI, Technology and Cybersecurity in Arbitration” [the Faculty of Law of the University of Aberdeen, the Mexican Arbitration Centre and the Institute of Juridical Research at UNAM], 30 November 2020
- “The strategic pathway in the “new normal” of international arbitration: before, during and after the dispute” [Arbit Webinar], 26 November 2020
- “The Future of Artificial Intelligence and Data Analytics in International Arbitration”, CI Arb NAB Tech ADR Summit Webinar Series [CI Arb], 15 October 2020
- “Flexibility of Arbitration and virtual hearings” [BCLP / Gornitzky joint webinar], 14 October 2020
- “Instant and social media messages in international arbitration” [MUTE OFF Thursdays series], 23 April 2020

- "AI, data analytics and e-disclosure" [Annual ICC ADR & International Arbitration Conference], London, 6 November 2019
- "The Use of Predictive Coding [machine learning artificial intelligence] in International Arbitration" [YAR 2.], Lisbon, 10 October 2019

## **CYBERSECURITY, CONFIDENTIALITY AND PRIVILEGE**

- "Hacked in Arbitration?" [CyberArb / SVAMC-YP], 7 June 2022
- "Arbitration and Trade Secrets – Paris Arbitration Week 2021" [PAW/SVAMC Webinar], 23 September 2021
- "Arbitration and Cybersecurity: has the pandemic increased the risk? – CAC's Annual Conference", Lisbon, 1-2 July 2021
- "Cybersecurity and Arbitration: implications of procedure and trends of substance – CCLS IDR Chapter Event" [Queen Mary University of London, SVAMC-YP and CyberArb], 29 April 2021
- "Arbitrator Selection and Confidentiality of and in Arbitration Proceedings" [BCLP / Gornitzky joint webinar], 28 October 2020
- "Data Protection in International Arbitration" [LexisNexis Webinar], 26 February 2020
- "Cybersecurity in International Arbitration" [CIArb Podcast], 9 October 2019
- "Cybersecurity in International Arbitration", Queen Mary University of London, 28 February 2019
- "Cybersecurity in International Arbitration" [Penn Law International Arbitration Association], Philadelphia, 6 April 2018
- "UAE/UK: Approaches to legal professional privilege compared," (co-authored), Global Arbitration Review (Vol. 6 Iss. 3), online, 13 May 2011
- "Privilege and prejudice" (co-authored), Co. L.J. 2009, 27(Sep/Oct), 16-18 (re-published in The Indian Arbitrator (Volume 3, Issue 4, April 2011))
- "Lawyer-client privilege in international arbitration - a blurred area prone to unpredictability or useful flexibility?" (co-authored), Int. A.L.R. 2009, 12(5), 101-106

## **TECHNOLOGY, INTELLECTUAL PROPERTY AND START-UPS DISPUTES**

- "Technology Disputes and the Future of Arbitration" [Tel Aviv Arbitration Week], 6 February 2023

- Tech Disputes Café [Paris Tech Arbitration], 26 June 2022
- “Arbitrating IP Disputes in the IT Industry: What to Expect?” [CFA40 and WIPO ADR Webinar], 14 September 2021
- “Technology Arbitration and the TIAC Rules for Technology Disputes – Uzbek Arbitration Week” [TIAC Webinar], 9 September 2021
- “Tech Dispute Resolution and Use of Technology in International Arbitration – Tashkent International Arbitration Centre (TIAC) Spotlight Series” [TIAC Webinar], 26 August 2021
- “Tech Disputes From the Eyes of Counsel and Arbitrator – SVAMC-YP Tech Talks: Tech, Start-ups and Dispute Resolution” [YCAP and SVAMC-YP], 29 June 2021
- Presentation at UNCITRAL Expert Group Meeting on Technology-related Dispute Resolution [UNCITRAL], 15-16 March 2021
- “Arbitration and ADR in Technology Disputes: A View from Leading Practitioners in the Field” [SVAMC and ArbitralWomen], 12 February 2021
- “Resolving Technology Disputes Through Arbitration And The Use Of Technology In Arbitral Proceedings” [ICC YAF], 26 October 2020
- “Arbitrability of Patent Validity disputes – a European perspective” [JAMS / SVAMC], 20 August 2020
- “The Arbitrability of IP disputes – U.S. and European perspectives” [KCAB / SVAMC], Seoul, 28 October 2019
- “Arbitrating Technology Disputes” [CI Arb YMG], Dublin, 30 November 2018

## **INTERNATIONAL ARBITRATION PRACTICE**

- “A comparative Analysis of International Arbitration Jurisdictions” [SVAMC / Arbitration Ireland], 17 May 2022
- “Save the Party-Appointed Expert - Arbitration Survey Launch Event” [BCLP / CI Arb], 30 September 2021
- “Arbitrating Emergencies in Banking and Finance Disputes – The Commercial and Investment Arbitration Perspectives” [ICDR Y&I], 10 December 2020
- “International Arbitration and Effective Dispute Resolution Strategies for Cross-Border Disputes” [CLE BCLP webinar], 14 October 2020

- “Construction disputes – performance bonds and other securities”, Tel-Aviv Arbitration Week, 3 March 2020
- “*Infra petita* and *ultra petita* - deciding only what was asked, and nothing more”, Prayers for relief in international arbitration [ASA below 40], Zurich, 17 November 2017
- “The Place of the Arbitrator”, co-interview of Juliet Blanch, Bernard Hanotiau and Pedro Martinez-Fraga, with Olivier Caprasse [CEPANI], London, 23 February 2017
- “Transatlantic perspectives on the use of national courts as a strategic tool in support of international arbitration”, Webinar broadcasted in London / New York, 13 May 2015
- “Dispute Resolution Strategy”, Spotlight on Arbitration, Thompson Reuters, London, 8 October 2014

## **ADVOCACY, LEADERSHIP AND DIVERSITY**

- “Dual Career Couples – can you both have it all?” [Female Counsel], 22 March 2023
- Workshop on Persuasion [Tel Aviv Arbitration Week], 2 March 2023
- “Arbitration – not an old man’s game” [Legal Business International Arbitration Summit], London, 11 November 2019
- “The Art of Oral Advocacy in International Arbitration” [ICC YAF; YCAP], Zagreb, 5 December 2018
- “The Global Supply Chain of Arbitration: is it a Saturated Profession?” [ICC YAF], Cambridge, 2 March 2018
- “Arbitral Parents – managing parenthood in the context of an international practice” [ICDR Y&I; YAWP], London, 29 November 2017
- “The New Generation of Arbitrators – challenges and opportunities” [ICC; CEPANI 40], Brussels, 23 November 2017
- “Skills that make a difference: what it takes to be effective counsel in international arbitration”, The Future of International Arbitration – Building your International Arbitration Career [ArbitralWoven], Zurich, 8 April 2016

## **SPOKEN LANGUAGES**

- English

- French

## **ADMISSIONS**

- England and Wales
- New York

## **EDUCATION**

Northwestern University School of Law Chicago, United States, Master of Laws, with honours, 2006

Université Catholique de Louvain, Louvain-la-Neuve, Belgium, Bachelor of Law, cum laude, 2004

Queen's University School of Law Belfast, United-Kingdom, Erasmus programme, 2004

## **RELATED PRACTICE AREAS**

- International Arbitration
- Litigation & Dispute Resolution
- Sports & Entertainment
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice
- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice
- Sports & Entertainment M&A Practice
- Sports & Entertainment Litigation Practice
- Collegiate Sports Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Sports & Event Financing
- Retail & Consumer Products
- M&A Disputes
- UK & EU Class Actions
- Hotels and Hospitality
- Real Estate Retail
- Business & Commercial Disputes



## EXPERIENCE

- Advising and representing a Korean luxury goods group in a high-stake dispute involving multiple cross-border agreements governed by English law and multiple sets of arbitration proceedings seated in London (LCIA).
- Representing Korean API manufacturer against major US pharmaceutical company in multimillion dollar dispute arising out of a supply agreement governed by New York law (London seat, ICC Rules).
- Representing Japanese biotech giant in English law ICC arbitration against a pharmaceutical group in the extraction industry.
- Representing Israeli corporate entities and individuals in consolidated high-stakes post-M&A LCIA proceedings involving fraud and security breach issues.
- Representing African state in French language CCJA arbitration seated in Dakar in relation to a shareholder dispute arising in the media sector.
- Representing Japanese trading company in ICC arbitration seated in Tokyo relating to a dispute arising out of the metal recycling industry.
- Representing U.S. group in high stake LCIA arbitration relating to the sale of Malaysian oil & gas assets involving complex interpretation and accounting issues.
- Representing global cloud infrastructure and IT solution provider in multi-party UNCITRAL arbitration administered by the LCIA concerning the provision of colocation services by a major Indian telecommunication company.
- Representing well known artist in cross-border dispute concerned with authentication of high profile work of art, under Belgian law.
- Acting in high profile class action against leading Japanese tech company arising out of major accounting scandal. The opinions produced in the Japanese court (Tokyo) addressed issues of standing under English law and U.S. law.
- Advising Zambian individual in connection with claims under the International Covenant on Civil and Political Rights.
- Acting for real estate developer in parallel proceedings relating to a shareholders dispute arising out of a major hospitality project in Saint Lucia.
- Representing a Korean trading company in multi-party ICC arbitration relating to the purchase of wheat by a government agency in Bangladesh.

- Representing a leading Middle-Eastern media company in an ICC arbitration concerning a sports TV rights dispute in excess of US\$ 1 billion.
- Representing a leading European engineering company in an ICC arbitration concerning a US\$ multi-million construction dispute.
- Advising on a claim for misuse of technology and related SCC arbitration involving patents and trade secret elements.
- Assisting a leading French bank with the registration and enforcement of a Swiss judgment in England.
- Advising and representing a US company in a complex IT dispute relating to the completion of a customer portal for a stock exchange, and involving delay and data security breach issues.
- Representing claimants in a fast-track LCIA arbitration arising out of real estate investments in Qatar.
- Advising on multi-million dollar claims arising out of an investment in Pakistan.
- Representing leading global security company in an ad hoc arbitration concerning a property and loss profit insurance claim arising out of Hurricane Katrina.
- Representing a major airline in an LCIA arbitration concerning a claim arising out of a distribution agreement.
- Representing the respondent in an AAA/ICDR arbitration arising out of a transitional services agreement.
- Representing the respondent in an LCIA arbitration concerning the alleged breach of non-compete covenants.
- Representing a leading US software company in an ad hoc arbitration arising out of the settlement of an inside trading derivative action.
- Assisting with the representation of a Belgian life science company in an LCIA arbitration concerning a patent infringement dispute.

## RESOURCES

### PUBLICATIONS

### INNOVATION, TECHNOLOGY AND ARTIFICIAL INTELLIGENCE IN DISPUTE RESOLUTION

- “Canvassing Views on AI in IA: The Rise of Machine Learning”, Kluwer Arbitration Blog, 12 July 2023
- “The Digitalisation of International Arbitration and Future Implications”, Book Review of ‘International Arbitration and Technology’ by Pietro Ortolani, Andre Janssen, Pieter Wolters (eds.), Kluwer, 2022, ICC Dispute Resolution Bulletin | 2023 Issue 1 Global Arbitration Review, 18 January 2023
- “Parties push for tech-savvy arbitrators”, Global Arbitration Review, 18 January 2023
- “Arbitration Resilience in COVID -19 time and beyond” [YAR], 26 May 2021
- “WhatsApp-missible: are social media messages discoverable and admissible in international arbitration?”, Practical Law, 9 January 2020
- “Artificial Intelligence, A Driver For Efficiency In International Arbitration – How Predictive Coding Can Change Document Production”, Kluwer Arbitration Blog, 23 February, 2020

## **CYBERSECURITY, CONFIDENTIALITY AND PRIVILEGE**

- “Cybersecurity in International Courts and Tribunals”, MPEiPro, 31 August 2022
- “Preserving trade secrets in international arbitration”, The Impact Lawyers, 15 October 2021
- “Privacy and Security Risks in International Arbitration: Threats and the Information Security Protocol”, Cybersecurity Law Report, 16 December 2020
- “Arbitration As A New Normal May Hinge On Cybersecurity”, Law360, 6 May 2020
- “Cybersecurity in International Arbitration: Don’t be the Weakest Link”, Kluwer Arbitration Blog, 15 February 2019
- “A Systemic Approach to Cybersecurity in International Arbitration - Imperative and Implementation”, Transnational Dispute Management, March 2019
- “A Systemic Answer to Cybersecurity in International Arbitration”, CDR News, 1 June 2018
- Quoted in “Cybersecurity Protocol Helps Address a Defining Challenge”, Law360, 3 May 2018
- “Cybersecurity In International Arbitration – A Necessity And An Opportunity For Arbitral Institutions”, Kluwer Arbitration Blog, 6 October 2017

## **TECHNOLOGY, INTELLECTUAL PROPERTY AND START-UPS DISPUTES**

- Quoted in “Arbitration and mediation: keeping trade secrets disputes behind closed doors”, WIPR Insight, Global Trade Secrets Rankings, 2022
- “Why technology-related disputes are increasingly resolved by arbitration”, ITProPortal, 17 November 2017
- “Chapter 11: IP Mediation” (co-authored), Cook and Garcia on International Intellectual Property Arbitration, Kluwer (2010)

## **INTERNATIONAL ARBITRATION PRACTICE**

- “The law applicable to the arbitration agreement: Commentary on the UK Supreme Court’s decisions in *Enka v Chubb* and *Kabab-Ji SAL v Kout Food Group* from a Belgian law perspective” (co-authored), *b-Arbitra*, Wolters Kluwer, 2022/1
- “US District Court Confirms Emergency Arbitrator’s Order of Interim Injunctive Relief under FAA” *Silicon Valley Arbitration & Mediation Center Newsletter*, 16 February 2021
- “Remote Deliberations – a Checklist For Arbitrators”, *Law Society Gazette*, 3 August 2020
- “A New Arbitral Institution for the Art World: The Court of Arbitration for Art” (co-authored), *Kluwer Arbitration Blog*, 17 June 2018
- “Summary Disposal In Arbitration and Tribunals’ Ability To Order Summary Procedure Without Express Authority”, *Kluwer Arbitration Blog*, 23 May 2018
- “Will Adverse Inferences Help Make Document Production in International Arbitration More Efficient?” (co-authored), *Kluwer Arbitration Blog*, 2 August 2017
- “Improper Deliberations in International Arbitration as a Ground for Annulment” (co-authored), *Kluwer Arbitration Blog*, 5 May 2017
- Quoted in “West African set-aside decision not against US public policy, says court” by Alison Ross, *Global Arbitration Review*, on-line, 10 June 2016
- “Spotlight on OHADA arbitration following a recent decision of the Common Court of Justice and Arbitration” (co-authored), *Young Arbitration Review*, Edition 21, April 2016
- “Dilatory tactics and the courts’ readiness to safeguard arbitration through cost sanctions”, *Financier Worldwide*, October 2014
- “The 2012 ICC Rules: two years on” (co-authored), *Tijdschrift voor Arbitrage*, September 2014, pp.85-91”

- Summary Judgment in International Arbitration – No Longer Dismissed?”, Kluwer Arbitration Blog, 19 September 2014
- "Arbitration and Competition Law - New prospects of Recovery for Victims of Anti-Trust Infringements", Corporate Disputes, Jul - Sep 2014, 133
- "Not on a Sunday in New York", Global Arbitration Review, on-line, 11 July 2014
- "Failure to Appear at a Hearing - A Risky Tactic?", Kluwer Arbitration Blog, 12 June 2014
- "Emergency arbitrators and the US courts", Global Arbitration Review, G.A.R. 2014, 9(1), 37-38
- Quoted in "Londres se fait l'avocat du monde" by Nicolas Madeleine, published in French magazine The Good Life, No 11 November/December 2013, pp. 162, 164 ([www.thegoodlife.fr](http://www.thegoodlife.fr))
- "Arbitration and Financial Disputes – Cutting to the chase: should arbitration embrace summary disposal?," (co-authored), Commercial Litigation Journal, Co. L.J., May/June 2013
- "Banking and finance arbitration on the rise – a trend to follow?," (co-authored), Financier Worldwide, April 2013
- "How Crouch provided certainty over the arbitrability of shareholder disputes," Global Arbitration Review (Vol. 6 – Iss. 5), online, 13 September 2011
- "International Transactions: An Aide-Memoire To Get Your Dispute Resolution Clause Right!", Inside, Newsletter of the New York State Bar Association, Spring/Summer 2011, Vol. 29 – No 1
- "Joint venture disputes: resolving deadlock through arbitration" (co-authored), P.L.C. 2008, 19(7), 49-56 (updated on PLC Online in April 2011)

## ADVOCACY, LEADERSHIP AND DIVERSITY

- "How legal traditions (still) matter in international arbitration" (co-authored), Kluwer Arbitration Blog, 20 March 2017
- "How Women Thrive in International Arbitration", Global Arbitration Review, (Vol. 11 – Iss. 1), on-line, 8 March 2016

## RELATED INSIGHTS

Awards

Mar 26, 2024

**BCLP shortlisted in two categories at the Legal Innovation Awards 2024**

News

Nov 13, 2023

## **Two-thirds of legal professionals in favor of the regulation of AI in international arbitration**

Insights

Nov 09, 2023

## **BCLP Arbitration Survey 2023**

News

Oct 19, 2023

## **Chambers UK Ranks BCLP in 41 practice areas and recognizes 74 lawyers**

Awards

Oct 04, 2023

## **The Legal 500 UK ranks BCLP in 54 practice areas and recognizes 74 lawyers as “leading individuals”**

Insights

Jul 24, 2023

## **Artificial Intelligence - the Rise of Machine Learning**

For over ten years, BCLP’s International Arbitration Group has conducted a number of surveys on issues affecting the arbitration process including: cyber-security in arbitration proceedings (2019), rights of appeal (2020), expert evidence (2021) and the reform of the Arbitration Act 1996 (2022). This year our survey topic is artificial intelligence (AI) and the impact of its use in international arbitration.

Events

May 11, 2023

## **Claire Morel de Destgaver speaks at itechlaw International Technology Law conference**

Events

May 11, 2023

## **Partner to speak at iTechLaw International Technology Conference**

News

Feb 06, 2023

## **Partner authors article in ‘GAR’ on challenges facing arbitrators in the digital age**