

John LOWE

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Juris Doctor: George Washington University Law School

Bachelor of Arts: University of Delaware

English: native; French, Italian and Spanish: fluent

US and French national

Member: Bars of the District of Columbia and Ohio (USA)

International Arbitrator, Mediator and Legal Advisor

Summary

International Arbitrator and Mediator with experience as Arbitral Tribunal Chair, Sole Arbitrator and Member of Arbitral Panel in ad hoc and institutional arbitrations. I possess significant business and international experience in a multitude of practice areas including major infrastructure projects, corporate transactions (joint ventures, acquisitions and divestitures, dispute management and resolution, contracts and intellectual property management. I work around the world including Europe, North and South America, the Middle East and Asia. With an American law degree and admission to the bars of Ohio and the District of Columbia, I have worked in France, Italy, Belgium and the U.S. and am very familiar with these legal systems.

Principal Areas of Activity and Expertise

- Infrastructure Projects and Project Financing
- Construction
- Mergers, Acquisitions, Divestitures, Joint Ventures
- Private Equity and Venture Capital
- Employment
- Telecommunications and Technology
- Major Project Design and Construction
- Defense and Aerospace
- Insurance including reinsurance
- Intellectual Property
- Commercial Agreements
- Agency, Consultant and Distribution Agreements
- Bankruptcies and Corporate Reorganizations
- Corporate Compliance, Anticorruption and Export Controls
- Shipping and Maritime
- Financial Services
- Medical Devices

Dispute Management Skills

Arbitration

- Panel Member, ICDR breach of contract and trade secrets dispute; USD 50 million claim.
- Panel Member, US-based securities arbitration, USD 3 million breach of contract claim.
- Sole Arbitrator, ICDR breach of contract claim.

- Tribunal Chairperson, ICDR maritime arbitration and insurance case.
- Panel Member, US-based claim against securities firm; claim in excess of USD 15 million.
- Panel Member, US-based unjust enrichment claim against a finance firm employee and counter-claim for discrimination.
- Sole Arbitrator, ICDR arbitration re franchise disputes in Latin America.
- Tribunal Chairperson, ICDR arbitration regarding insurance coverage and maritime law.
- Panel Member, AAA shareholder dispute arbitration.
- Panel Member, US-based securities arbitration involving claims in excess of USD 30 million.
- Sole arbitrator in a commercial ad hoc arbitration under Paris Arbitration Rules involving French and US companies.
- Sole arbitrator in six AAA (American Arbitration Association) arbitrations involving construction, corporate, financing and partnership disputes.
- Managed several ICC (International Chamber of Commerce) arbitrations involving distribution and agency agreement disputes to a successful conclusion.
- Handled an arbitration regarding a ship conversion contract dispute under the Danish Institute of Arbitration rules.
- Has been appointed to numerous arbitration panels including ICDR, AAA, CPR, HKIAC, SIAC, LCIA, SCCA, WIPO and KLRCA and is a Fellow of the Chartered Institute of Arbitrators.
- Member, ICC Commission on Arbitration and ADR (US committee).
- Guest lecturer on arbitration and alternative dispute resolution at La Sapienza-Universita' di Roma and at Roma 3.
- Participates as an arbitrator at the Vis moot court in Vienna (2015-).
- Participates as a judge at the ICC Mediation Competition in Paris (2017-).
- Participates as an arbitrator for the for the Frankfurt Investment moot competition (2019-).

Court Decisions

- Galilea, LLC v. AGCS Marine Ins. Co., No19-CV-05768 (VEC) (S.D. N.Y. Dec. 16, 2019). Arbitral award upheld in its entirety.
- Gemstream (Valuefirst) v Visionael, Cour d'Appel de Paris, Arrêt du 10 Septembre 2019, RG N. 17/10639. Arbitral award upheld in its entirety.

Mediation

- Handled seven CEDR (Center for Effective Dispute Resolution) conciliations/mediations.
- Panelist, CEDR Mediation panel.
- Panelist, CPR (Centre for the Prevention and Resolution of Disputes) Mediation panel.
- Panelist, CAM (Camera Arbitrale Milano) Mediation panel.
- Panelist, WIPO, Mediation panel.
- Completed CEDR (mediation training (2019)).
- Completed AAA mediation training (2016).
- Taught at Chartered Institute of Arbitration mediation training program.
- Judge, International Online Mediation Competition, July 2020.
- Judge, ICC Mediation Competition 2018-2020.
- Member, Advisory Committee, ICC Mediation Conference 2016.

Dispute Expertise

- **Major Infrastructure Projects:** Handled bankruptcies and restructurings related to numerous telecommunication projects and companies from 2000-2004. Total exposure of over \$3 billion. 75% recovery rate.
- **Corporate transaction disputes:** Successfully handled US\$50 million indemnity claim related to acquisition agreement. Managed disputes regarding price adjustment mechanisms in acquisition agreements.
- **Intellectual Property Disputes:** Won licensing agreement disputes in England and California. Successfully managed a trademark dispute resulting in a favorable agreement. Handled litigation involving non-compete agreements.
- **Commercial Transaction Disputes:** Have handled disputes arising from commercial transactions in jurisdictions around the world including Latin America, Russia, Western Europe, Israel and the United States.

General Counsel Expertise

Corporate Governance

- **Compliance:** experienced in drafting and implementing corporate compliance policies, providing training and conducting internal audits. Handled responses to major government investigations and settlements with government authorities related to FCPA violations and US export control violations.
- **Corporate Governance:** significant experience in corporate law including SEC regulations and stock exchange regulations.

General Management and Corporate Strategy

- Executive Committee experience involving the formulation and implementation of corporate strategy in areas such as acquisitions and divestitures, adoption and implementation of corporate policies including compliance policies.
- Organized and managed interdisciplinary work groups handling compliance issues, communication and marketing matters and risk management.
- Responsible for corporate governance for group holding companies as well as operating companies. Served as corporate secretary and attended all board meetings.
- Managed the risk assessment process and ensured that follow-up was conducted. Handled the insurance process ensuring full participation of all operating units.

Legal Expertise

- **Corporate transactions:** significant experience in mergers and acquisitions throughout the world, formation of joint ventures and the management of a group corporate structure.
- **Major Projects and Project Financing:** Have negotiated and implemented major construction projects (a large number in the telecommunication sector) and related financing around the world.
- **Commercial transactions:** drafted and negotiated a wide variety of contracts including sales and purchase contracts, turnkey contracts, project finance agreements, licensing agreements and corporate financing agreements.
- **Insurance:** Have managed corporate insurance programs and related claims.
- **Intellectual Property:** licensing and product development agreements, implementation of intellectual property policies, handling of intellectual property disputes.

Legal Department Management

- Created and implemented corporate compliance and legal policies in areas such as export controls, data protection, ethics, bribery and anti-corruption.
- Organized and managed the operating units handling of legal issues to ensure a consistent approach to contracting, dispute management and legal policy implementation.
- Ensured adequate resources and personnel to address corporate legal issues.

Professional Experience and Representative Engagements

- 2015-present **Low** *Arbitration International Arbitrator and Mediator*
- *Listed on the panels of leading international arbitration institutions*
 - *US and European mediation training*
- 2015 **Geodis** *Group Compliance Director*
- *Developed comprehensive anti-bribery compliance program for a major French transportation company.*
- 2006-2013 **Qioptiq** *General Counsel and Director of Communications*
Qioptiq was a division of Thales specializing in photonics products and solutions for defense, industrial and medical applications that was sold to a private equity group at the end of 2005 and then sold again in 2013. Operations are worldwide and it has approximately 2000 employees.
- Sale of Qioptiq to Excelitas Technologies;
 - Acquisition of Point Source Ltd;
 - Acquisition of Linos GmbH and related shareholder litigation;
 - Consent Agreement between Qioptiq and the US Department of State for alleged export control violations;
 - Indemnity dispute related to the initial sale of Qioptiq;
 - Licensing dispute with major US defense contractor;
 - Trademark dispute between Qioptiq and Qinetiq and rebranding of Qioptiq.
- 2005-2006 **Orrick, Herrington & Sutcliffe, Paris and Milan: Of Counsel, Corporate Dept.**
- *Counseled NYSE listed French multinational regarding US shareholder derivative litigation.*
- 1994-2005 **Alcatel: Group Assistant General Counsel, 2003-2005**
- US Department of Justice and SEC investigation into alleged FCPA violations;
 - Acquisition of Native Networks, Spatial Wireless, EDial by Alcatel;
 - Divestiture of a shareholding in Alcatel Submarine Networks to Pirelli;
 - Alcatel and Cable and Wireless subsea cable joint venture.
 - Operation and sale of 360 Americas.
- Alcatel Submarine Networks: General Counsel, 2000-2003**
- Management and sale of 360 Americas;
 - Joint venture with Cable & Wireless;
 - Bankruptcies of Global Crossing, 360 Networks, Flag Telecom and other telecommunication companies;
 - Financing and construction of cable laying vessels;
 - Build-up and management of cable laying and maintenance fleet;
 - Ship renovation arbitration.
- Alcatel Bell: Deputy General Counsel, 1997-2000**
- Divestiture of DSC Europe to Tellabs Inc.
 - Arbitrations regarding termination of agency and distribution agreements
 - Acquisition of public switching division of Tadiran (Israel)

- Restructuring of Metrotel and Metrotel Redes (Colombia)
- Alcatel Italia: *International Counsel, 1994-1997***
- Telecom joint venture in Serbia
- 1987-1994 **Attorney** Milan, Italy and Ohio, U.S.
- 1980-1987 **United States Diplomatic Service: *Foreign Service Officer***
Economist. Assignments in Italy, Mexico and Washington

Various :

Member, ICC Commission on Arbitration and ADR (US National Committee)
Fellow, Chartered Institute of Arbitrators (FCIArb), Member of the Approved Faculty List

Member, London Court of International Arbitration

Member, Association Française de Arbitrage

Member, Associazione Italiana per l'Arbitrato

Fellow, Asian Institute of Alternative Dispute Resolution

Panelist, American Arbitration Association

Panelist, Arbitration Foundation of Southern Africa

Panelist, Asian International Arbitration Centre (AIAC) (formerly Kuala Lumpur Regional Arbitration Centre)

Panelist, Centre de Médiation et d'Arbitrage de Paris

Panelist, Chambre Arbitrale Internationale de Paris

Panelist, Emirates Maritime Arbitration Centre (EMAC)

Panelist, Financial Industry Regulatory Authority (FINRA) (USA)

Panelist, Georgian International Arbitration Centre (GIAC)

Panelist, Hong Kong International Arbitration Centre (HKIAC)

Panelist, Korean Commercial Arbitration Board, Panel of International Arbitrators (KCAB)

Panelist, International Arbitration Institute (Paris, France, www.iaiparis.com)

Panelist, International Center for Dispute Resolution (ICDR)

Panelist, International Institute for Conflict Prevention and Resolution (CPR)

Panelist, Kigali International Arbitration Centre,

Panelist, Saudi Center for Commercial Arbitration (SCCA)

Panelist, Singapore International Arbitration Centre IP Panel

Panelist, Vienna International Arbitration Centre

Panelist, World Intellectual Property Organisation (WIPO)

Lecturer, Alternative Dispute Resolution, Università di Roma (La Sapienza)

Former Member, Board of Directors, Association of Corporate Counsel Europe 2010-2015, President 2013-2014, Treasurer 2011-2013, Cercle Montesquieu

Participate regularly at legal conferences throughout the world speaking on subjects including arbitration and dispute management, export controls, compliance, law department and intellectual property management issues.

Publications:

“Arbitration in the US, a Love/Hate Affair”, La Lettre de la Chambre arbitrale internationale de Paris, Number 15, December 2017 pp 11-13.

“Incorporating Mediation into a Company's Dispute Resolution Program”, Young Arbitration Review, April 2016, pp 70-74.

“Litigation Management in the Corporate Legal Department”, pages 386-392 in Der Unternehmensjurist (Shulthess Verlag) 2016.

Representative Speaking Engagements:

“What happens during a Mediation? How does it work?”, Virtual World Litigation Forum, 8-10 September 2020.

“Recent litigation developments in the ever-growing fields of corruption and bribery”, World Litigation Summit 2020, Dubai, UAE, 27 and 29 January 2020.

“Third Party Funding in Litigation” World Litigation Summit 2020, Dubai, UAE, 27 and 29 January 2020. Also moderated session on the Belt and Road Initiative.

“Review by French Courts of Corruption Allegations in Arbitration Proceedings”, World Litigation Summit 2019, Amsterdam, The Netherlands, 2 July 2019. Also moderated session on GDPR Compliance, Investigations and Litigation.

“Alternative Dispute Resolution (ADR): Pros and Cons”, 8th World Litigation Forum, Dubai, UAE, 9-10 January 2019.

“Forged documents in Arbitration Proceedings”, Parigi-Italia, conference Rome, Italy, 9 October 2018.

“International Arbitration Awards”, University of Rome, Roma 3, 20 April 2018.

“Cross-Border Dispute Management from the Client’s Perspective”, ICDR International Dispute Resolution Boot Camp, London, England 14-16 June 2017.

“International Tax Issues for In-House Counsel”, ACCE Annual Conference, Cascais Portugal, 9 May 2017.

“Cyber Security and the Arbitration Process”, Arbitration: the in-House Counsel’s Perspective, CMS, ACCE, CCIAG, ASA conference, London 24 March 2017.

“Orders, Awards, Enforcement and Settlement”, Arbitration: the In-House Counsel’s Perspective, CMS, ACCE, CCIAG, ASA, London, 18 March 2016.

“Mediation and other forms of ADR”, CIArb Diploma Course in International Dispute Management for Senior Executives, faculty member, 14-17 January 2016, London.

“Don’t just put out the fires: Managing Anti-corruption long-term and across borders”, ACC Annual Conference, Boston 19-21 October 2015.

“Crisis Management and Exit Strategies for When Things Go Wrong in Foreign Countries”, ACC Annual Conference, Boston 19-21 October 2015.

“Document and information retention programmes and policies” ACC Europe Annual Conference, Munich 31 May -2 June 2015.

“ICC Guide to Arbitration for in-house counsel”, Arbitration: the In-House Counsel’s Perspective, CMS, ACCE, CCIAG, ASA, London, 16 March 2015 (also was conference organiser)

“Introduction to Arbitration and Mediation”, University of Rome La Sapienza, 2015-2018. Teach two-day seminar on arbitration to a Masters course in private law.

“Dealing with Risks Associated with Performance, Damages and Warranties”. Corporate Legal Excellence. Kuala Lumpur, Malaysia, Marcus Evans. Conference Co-Chair. 24-26 November 2014.

“Minimising Bribery and Corruptions Risks Pre and Post Merger and Acquisition”. 5th Forum on Anti-Corruption, Paris, France, C5. Chaired the conference. 13 May 2014.

“Safeguard your Board from Criminal and Civil Liability Charges, Fines and Jail Time in the Face of Increased Enforcement by Prosecutors”. 7th Advanced Forum on Anti-Corruption, Frankfurt Germany, C5. 28-29 January 2014.

“The Costs of Insufficiency or Non-Compliance”. Competition Summit 2013, Brussels, Belgium. 5-6 December 2013

“Préventions des risques et lutte contre la corruption, Corruption dans les transactions commerciales entre entreprise et fournisseur : comment les détecter?” Conference Anticorruption Paris, France, Marcus Evans. 25-27 November 2013.

“Mitigating Unforeseen Risks when Entering into a Joint Venture”. Managing conference. 9-10 October 2013

“M&A: Successful Export Controls Compliance Due Diligence and Programme Integration in Acquisition Situations”. European Export Controls, Amsterdam, Netherlands, C5. 25-26 September 2013.

“Managing Third Party and Counterparty Relationship Risk: Getting the Contract Right”. Managing Third Party and Counterparty Relationship Risks, London, England, C5, 11-12 March 2013.

“The Questions You Need to Ask to Effectively Categorise Third Parties as Low, Medium or High Risk”. Managing Third Party Relationship Risks, Paris, France, C5. Served as conference co-chair. 23-24 October 2012.

“Minimising Re-export Risks under US and EU Regulations and Automating Licensing Processes”. 6th European Forum on Export Controls, Brussels, Belgium, C5. 7-8 February 2012.

“Undertaking Effective Audits and Investigations to Uncover and Resolve Export Compliance Challenges and Rectify Procedural Issues”. 6th European Forum on Export Controls, Brussels, Belgium, C5. 7-8 February 2012.

“Internal Procedures to Protect Controlled Technical Data”. 1st Advanced Forum on European Export Controls, C5, Munich, Germany. 27-28 September 2011.

“Risk Management Tools”, Association of Corporate Counsel Europe Annual Conference, Vienna, Austria.”. 30 May-1 June 2010

“European Defence Directive”. American Bar Association International Section Fall Meeting, Paris, France. November 2010.

“General Counsel as Member of the Executive Board”. Association of Corporate Counsel Europe, Annual Conference, Madrid, Spain. 1-3 June 2008.

“Conflicts of Interest between Parent Companies and Their Subsidiaries”. ABA International Section Spring Conference, New York. 1-5 April 2008.

“Internal and Regulatory Investigations”. IQPC, London, England. 29-30 November 2007.

“New US Techniques in Criminal Procedure and Corporate Governance”. Union Internationale des Avocats Annual Meeting, Paris, France. 2 November 2007.

“Intellectual Property Issues in Corporate Transactions”. High-Tech Patents, London, England, IQBC. 27-28 June 2007.

“Legal Risk Management: Regulatory Risks”. Association of Corporate Counsel Europe Annual Conference, Munich, Germany. 3-5 June 2007.

“New Intellectual Property Economy”. European American Chamber of Commerce and Orrick, Herrington and Sutcliffe conference. Program Chair. 18 January 2007