

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Ashwinie KUMAR BANSAL
AKB LEX
Chandigarh



Nationality: Indian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

B. Com., Punjab University, Chandigarh, 1983;
LL.B., University of Rajasthan, Jaipur, 1987;
A.C.S., Institute of Company Secretaries of India, New Delhi, 1988.
Ph.D. Punjabi University, Patiala.

LANGUAGES

Hindi, English, Punjabi

PRESENT POSITION

Advocate of Supreme Court of India and Punjab & Haryana High Court;
Arbitration Expert and Consultant;
Senior Consultant for Lex Consultus – Advocates, Solicitors and Arbitration Consultants.

November 21, 2019

MEMBERSHIP IN PROFESSIONAL BODIES

Founder Member:

International Centre for Alternative Dispute Resolutions (ICADR) New Delhi;
International Council of Consultants; (ICC) New Delhi.

Member:

Indian Council of Arbitration, since 1992;
Indian Building Congress, since 2001;
Institute of Company Secretaries of India, New Delhi, since 1988;
Supreme Court Bar Association, New Delhi, since 1993;
Punjab & Haryana High Court Bar Association, since 1987;
District Court Bar Association, Chandigarh, since 1987.

AREAS OF SPECIALIZATION

Indian Arbitration, Mediation, Conciliation and ADR;
Conducting domestic arbitration under Indian Arbitration and Conciliation Act, 1996 and Institutional rules.
Conducting international arbitration under UNCITRAL, SIAC, ICC Rules and other laws.
Representing clients before Arbitral Tribunals, Trials Courts, High Courts and Supreme Court in arbitration petitions and matters.
Drafting arbitration agreements, pleadings, claims, applications, replies, rejoinders, written submissions and other documents relating to Construction Agreements, Supply Contracts, Service Agreements, Marketing Agreements, Sale Agreements, Joint Venture Agreements, etc.
Advising clients on various arbitration contractual and legal issues.
Appointment of arbitrator through negotiations failing which through High Courts and Supreme Court of India.
Enforcing and challenging arbitration awards.
Corporate Law and Cyber Law;
Construction and procurement relating to disputes Bridges, Flyovers, Road Over Bridges, Roads, Highways, Infrastructure projects, BOT projects, toll plazas, Rail, metro, airports, earthwork, golf courses, etc.
Drafting of contracts/joint ventures, pleadings etc.

EXPERIENCE IN INTELLECTUAL PROPERTY

Registration of trademarks;
Advisory services regarding infringement of intellectual property rights;
Regional Editor, *All India Arbitration Law Reporter*, trademark cases (since 1987);
Delegate to conferences on intellectual property rights, information technology, Internet and Intranet.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

Appointed many times as Domain Name Panelist by WIPO and other organizations. Represented clients as a counsel in many domain name disputes and successfully got transferred the disputed names.

MAJOR PUBLICATIONS

Has authored books on arbitration and procedure:

'International Commercial Arbitration: Enforcement of Foreign Awards- In More Than 75 Countries' It has been written as Principal Author along with many co-authors and it deals with practice, procedure and application of the New York Convention under country specific laws. It is published by Universal Law Publishing Pvt. Ltd.

'Arbitration Agreements and Awards' Law of International and Domestic Arbitration. First book on international arbitration in India referred by experts and international law students in many Universities. It is published by Universal Law Publishing Pvt. Ltd.

Arbitration and ADR – A book published by Universal Law Publishing Pvt. Ltd in 2005, recommended for law students in many law colleges/universities.

'Commentary on the Arbitration and Conciliation Act, 1996' a book published by Bharat Law House New Delhi focused on latest laws and court decisions.

'Law of International Commercial Arbitration'; published by Universal Law Publishing Pvt. Ltd.

'High Court Practice and Procedure'; published by Indian Arbitration Society.

'Lawyer's Guide'; published by Indian Arbitration Society.

'Career Options for Lawyers and Paralegals'; published by Indian Arbitration Society.

'Arbitration: Procedure and Practice'; a publication of LexisNexis Butterworth & Wadhwa.

Material and Case Law under the New Arbitration Act – A book published by Arbitration Law Reporter in 1999.

Articles in Foreign Journals:

Invited to write articles on Arbitration Law in well-known foreign journals.

An article on arbitration published in 'the American Review of International Arbitration' 1995/vol.6 no.2 – Columbia University.

An article on International Arbitration published in 'the Journal of International Arbitration' - September 1995/vol.12 no.3, Geneva.

Other Publications:

Has revised the book - Government Contracts in India by A. S. Chaudhary and also wrote a complete chapter on Fast-track Arbitration in the book titled - "Alternative Dispute Resolution".

Has written many articles for magazine of Institute of Company Secretaries of India namely Chartered Secretary.

EXPERIENCE IN COURT LITIGATION

Enrolled as an advocate, Chandigarh, 1987 and acquired wide range experience in litigation, arbitrations and ADR;

Handling matters relating to writs, appeals, petitions, claims, suits, applications, PILs' in the Supreme Court, High Courts, Lower courts, arbitrations and tribunals;

For more than 10 years, has conducted matters of the Government of India as Counsel in the Supreme Court, as Government Pleader in the Delhi High Court and as Senior Counsel in the Punjab and Haryana High Court at Chandigarh;

Has dealt with more than 2000 contract related disputes;

Has been representing corporate clients since 1995 in important international matters before courts and tribunals;

Has planned and conducted ADR settlement proceedings and advised/involved in US, Singapore, China, etc. and conducted number of domain name cyber law disputes/cases before international forums;

Has drafted many joint venture contracts, tie-ups and arrangements;

Has represented and advised financial institutions and companies in matters before the Appellate Authority of Industrial and Financial Reconstruction (AAIFR) and Board of Industrial and Financial Reconstruction (BIFR).

Experience of Conveyancing and Drafting

Advised clients on Joint Ventures, Foreign Collaborations, Partnership Deeds, MOU's, constitutional Documents for Incorporation of Companies and Registration of societies, trusts and partnership firms, dealership agreement, agreement for insurance of vehicles, service providers agreements, finance agreements, leasing agreements, franchise agreements, property agreements, rent deeds, distribution agreements, construction contracts, supply contracts, collaboration agreements, settlement agreements, etc.

Finalized Memorandum of understanding/agreements/ other documents for de-merger of societies and related documents for transfer of assets and liabilities to the new society. Had drafted Model Agreement for property buyers recommended by Indian Building Congress, New Delhi.

Has experience of more than twenty years and dealt with hundreds of contracts relating to supply of goods, construction of buildings, roads, highways, bridges, earthworks of railway tracks, golf courses, fly ash and canals, development, repairing; preparing notices, pleadings, claims, replies and taking positions during execution of contract and disputes.

PROFESSIONAL TRAINING IN MEDIATION

Participated in:

the Course on Alternative Dispute Resolution for Mediators, Bombay, September 1996;
the Trainer's Training Programme, New Delhi, January 1997 presented by the Straus Institute for Dispute Resolution of Pepperdine University, School of Law, California, conducted by the International Centre for Alternative Dispute Resolution (ICADR) under the aegis of the Ministry of Law and Justice, Government of India.

CEDR:

Participated in the drafting of the Conciliation Law in India and also in the drafting of Conciliation Rules of the ICADR.

PROFESSIONAL TRAINING IN ARBITRATION

Took part in a Mock Arbitration case prepared by the International Court of Arbitration of ICC Paris presented at New Delhi 1994. Also prepared and conducted Mock Arbitration cases in a few training courses on arbitration in ICADR programmes.

EXPERIENCE IN ARBITRATION

One of the architects of the Arbitration and Conciliation Act, 1996, made a significant contribution to its drafting. Was invited by the Ministry of Law, Government of India as a distinguished arbitration expert in the Committee for drafting of the Arbitration and Conciliation Bill in the year 1995.

Participated in all the proceedings for drafting of the Bill including meetings of Law Ministers held at Bombay and Calcutta. Earlier submitted a research paper on defects of the Arbitration Act, 1940 along with draft Arbitration Bill to the Government of India for its consideration in 1994 which became the working paper of the Committee. Subsequently was consulted by the Japanese Special Law Committee which was formed by Government of Japan to seek suggestions on improvement of Japanese Arbitration Laws in 1996;

Represented the Ministry of Defence, Government of India as its Counsel in defence arbitration matter at London;

Conducted international commercial arbitration administered by ICC Paris between an Indian Company and a Chinese company with venue at Singapore;

Interacted with eminent jurists in India and abroad as an arbitration expert and Secretary-General of

Indian Society of Arbitrators during 1994-97;
During last seven years, has been appointed seven times by international bodies to decide
International Intellectual Property disputes.

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					
	ICC					
	LCIA					
	Ad Hoc	5				5
	Indian Council of Arbitration	2				2
Number of cases: sub-total		7				7
Domestic Arbitrations						
		805		5		805
Number of cases: sub-total		805		5		805
TOTAL		812		5		812

MEDIATION EXPERIENCE**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations				
	Ad Hoc	2		2
	Others:			
Number of cases: sub-total		2		2
Domestic Mediations				
		22	2	20
Number of cases: sub-total		22	2	22
TOTAL		24	2	24