

# Elliot E. Polebaum

## Partner



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**Elliot E. Polebaum** leads Fried Frank's International Arbitration practice group and divides his time between the Washington, DC and Paris/London offices of the Firm.

Mr. Polebaum frequently serves as arbitrator in both administered and *ad hoc* cases, including recent disputes between US and Indian pharmaceutical companies, a Japanese contractor and a South American customer, and a Chinese company and a US company. He has served as co-arbitrator, chairman or sole arbitrator in 40 international arbitrations.

He has also appeared as counsel before tribunals throughout the world in more than 140 international cases. Some of his recent arbitrations include representing the Hong Kong subsidiary of a Malaysian group in an ICC arbitration against a New York based private equity firm; a French industrial company against an Indian company in an ICC arbitration in Singapore; a European aerospace company in an ICC arbitration in New York arising out of an agreement for the supply of airframe components; US, Danish and Belgian claimants in an ICC arbitration in Paris against German and French respondents arising out of a stock and asset purchase agreement; the international owners of a large industrial project in a Middle Eastern country against an international engineering firm in an UNCITRAL arbitration in London; a French claimant in an UNCITRAL arbitration in Geneva arising out of a joint venture in Turkey with a major Turkish industrial group; a French respondent in an *ad hoc* arbitration in New York concerning patent disputes relating to avionics equipment; and Turkish claimants in ICC arbitrations in Istanbul, Helsinki and Frankfurt.

He is Adjunct Professor of Law at Georgetown University Law Center, where he teaches international arbitration. He is the author of *International Arbitration: Commercial and Investment Treaty Law and Practice* (2015).

Mr. Polebaum is consistently recognized by *Chambers USA: America's Leading Lawyers for Business* in International Arbitration (National), where he has been described as "a lawyer with superb writing skills," "outstanding on his feet," and "always meticulously prepared," and by *Chambers Global: The World's Leading Lawyers for Business* in International Arbitration (USA), where he has been described as "incredibly able and astute," and "a very talented and excellent counsel." Mr. Polebaum is also consistently recognized by *Legal 500* in Litigation: International Arbitration, where he has been described as "one of the best international arbitration lawyers" in the market and "an outstanding advocate."

Prior to joining Fried Frank, Mr. Polebaum served as law clerk to Supreme Court Justice William J. Brennan, Jr. and United States Circuit Judge James L. Oakes.

Mr. Polebaum received his AB, *magna cum laude*, from Middlebury College, his MPA from Harvard University, and his JD, *cum laude*, from The New York University School of Law, where he was a member of the Order of the Coif. He is admitted to practice in the District of Columbia, New York and Massachusetts.

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## Selected Representations

**Mr. Polebaum frequently serves as an arbitrator in disputes administered by the ICC and ICDR, as well as in *ad hoc* cases. He has recently sat as arbitrator on the following representative disputes:**

- Emergency Arbitrator in a dispute among Dutch, German and Japanese parties arising under cross-licensing agreements.
- Chairman in an ICDR case between US and Danish parties arising out of a supply agreement.
- Chairman in an ICC case between the US subsidiaries of two Chinese companies arising out of a supply agreement.
- Sole Arbitrator in an ICDR case between English and US companies arising out of a pooling agreement.
- Sole Arbitrator in an ICDR case between Polish and US parties arising out of a services contract.
- Sole Arbitrator in an ICC case in New York between a Chinese company and a US company arising out of a supply agreement.
- Co-arbitrator in an ICDR case between an Indian pharmaceutical company and a US company arising out of a Cooperation Agreement.
- Chairman in an ICC case between Canadian and Argentine companies arising out of an acquisition agreement.
- Co-arbitrator in a non-administered CPR case arising out of investments in non-US distressed debt.
- Chairman in an ICDR case between a joint-venture and a supplier in respect of a project in Afghanistan.
- Co-arbitrator in an ICDR case between US and Mexican companies arising out of a stock purchase agreement.
- Co-arbitrator in an ICDR case between US and Caribbean-based companies arising out of a hotel resort operating agreement.
- Chairman in an ICC case between Japanese parties and South American parties arising out of a major construction project.
- Sole arbitrator in an ICDR case between French and Korean parties arising out of a contract for the supply of Application Specific Integrated Circuits.
- Chairman in an *ad hoc* UNICITRAL case between a Canadian company and a US company arising out of a distribution agreement.
- Chairman in an ICC case between a US company and a Canadian company arising out of a joint venture agreement.
- Co-arbitrator in an ICDR case between a British company and a US company arising out of a development, marketing and strategic alliance agreement.
- Sole arbitrator in an ICC case between a German company and a US company arising out of a distribution agreement.
- Co-arbitrator in an ICDR case between an Austrian company and a US company arising out of a software license and distribution agreement.
- Co-arbitrator in an ICDR case between an Indian company and a US company arising out of a commercial contract.
- Co-arbitrator in an ICDR case between a Canadian company and a US company arising out of a patent license.
- Sole arbitrator in an ICC case between a Singapore company and a US company arising out of a telecom licensing agreement.
- Co-arbitrator in an ICDR case between a Norwegian company and a US company arising out of an acquisition agreement.

**Mr. Polebaum represents a wide variety of US and non-US corporations in international arbitration. Recent representations include:**

- An oil major in an ICSID arbitration against the Government of Uganda.
- A large French company in an ICC arbitration in Geneva against a South American company in a dispute over ownership of an ICSID claim against the government of a country in South America.
- The Brazilian subsidiary of an Indian company in an ICC arbitration in Sao Paulo against the Brazilian subsidiary of a US company arising out of a supply contract.
- A large European manufacturer of satellites in an ICDR arbitration in New York arising out of a contract for the design and manufacture of a constellation of low-earth orbiting satellites.
- A large European manufacturer of jet aircraft in two ICC arbitrations in New York against a US designer and supplier of certain airframe components.
- An African exploration and production company in an ICC arbitration in London against the Government of Sierra Leone following the cancellation of offshore leases.
- A large US manufacturer of jet aircraft in an ICC arbitration in Geneva against a European supplier of certain airframe components.
- The Mexican subsidiary of a large French company in an ICC arbitration in Paris brought by the US subsidiary of a Spanish company alleging defective supply of equipment to be used in an alternative energy project.
- The international owners of a large industrial project in a Middle Eastern country against a US engineering firm in an UNCITRAL arbitration in London.
- US, Danish and Belgian claimants in an ICC arbitration in Paris against German and French respondents arising out of a stock and asset purchase agreement.
- A Turkish company in multiple ICC arbitrations in Helsinki and Istanbul against a large Scandinavian telecom equipment supplier.
- A European telecom company in an ICDR arbitration in New York against a supplier of satellite services.
- A French industrial company in an ICC arbitration in Singapore arising out of a contract to supply certain equipment to an Indian industrial company.
- A Turkish company in an ICC arbitration in Frankfurt against a large US supplier of military communications equipment.
- A French claimant in an ICDR arbitration in Houston against the US subsidiary of a German company arising out of a patent licensing agreement.
- A large Scandinavian industrial company in an ICC arbitration against its North American distributor.
- A Belgian company in an ICDR arbitration against US subsidiaries of a German company for breach of a Patent License Agreement.
- A Belize company in an ICC arbitration in Geneva against a Finnish company arising out of a consulting and strategic marketing agreement.
- A major international oil company in an ICC arbitration brought by a Venezuelan state-owned company arising out of an acquisition agreement.
- A US chemical company in an ICC arbitration in Paris with a French chemical company in connection with the design, construction and operation of a new chemical plant.
- A French aerospace and defense company in an *ad hoc* arbitration in New York against a US company concerning patent disputes relating to avionics equipment.
- A major international oil company in an UNCITRAL arbitration in Lausanne arising out of a joint venture in Turkey with a major Turkish industrial group.
- A major international oil company in an ICC arbitration in Geneva arising out of a patent licensing dispute with a US oil company.
- A major US based multinational in an ICC arbitration in Miami arising out of the construction of two power plants in Venezuela.

- The United Nations in an UNCITRAL arbitration in New York involving breach of contract, fraud and related claims brought by a supplier of air charter services to UN peacekeeping operations.
- US underwriters in a dispute arising out of an export credit insurance policy subject to London Court of International Arbitration in London.
- British underwriters in an LCIA arbitration in London brought by a Singapore insured asserting claims arising under an export credit insurance policy.
- A US company in an ICC arbitration in Paris arising out of the purchase of a European business from a German company.
- A US company in an ICC arbitration in Stockholm arising out of a contract for the procurement of military equipment from a Russian State entity.
- A French satellite manufacturer in a breach of contract arbitration arising out of a construction and purchase contract.
- A US manufacturer in an UNCITRAL arbitration in London arising out of a construction project in Thailand.
- A US systems engineering company in an ICC arbitration in London against a Spanish company involving the installation of a command and control prototyping laboratory in Madrid and the related licensing of proprietary software.
- A French semiconductor manufacturer in an ICC arbitration in Paris arising out of the construction of a new plant in France.
- A US manufacturer in multiple American Arbitration Association arbitrations in Washington against its British distributor.
- A Swiss company in an ICC arbitration in Vienna arising out of the purchase of a Danish company.
- A European energy company in an LCIA arbitration arising out of a petroleum supply contract.
- European nuclear interests in arbitrations related to both construction contracts and enrichment services contracts.