

DERAINS & GHARAVI

MELANIE VAN LEEUWEN

Partner

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Languages: English, French, Dutch, German

Melanie van Leeuwen has acted as counsel and arbitrator in numerous international arbitrations under all major sets of arbitration rules (ICC, LCIA, SCC, ICDR, ICSID, UNCITRAL, DIAC, NAI, and Swiss Rules) and governed by various procedural and substantive laws. Her areas of practice include international commercial contracts, cross-border investment, joint ventures, post M&A and investment protection under international law. Melanie has been particularly active in the sectors of energy, media, information and communication technology, construction and engineering, and infrastructural and defense projects. She also regularly represents clients in annulment, enforcement and consolidation proceedings before the Netherlands state courts. Melanie is admitted to the Paris and Amsterdam Bars.

Melanie is a member of the ICC Arbitration Commission, the Supervisory & Advisory Board of the Netherlands Arbitration Institute, the IBA Arbitration Committee, the LCIA and the ICC Young Arbitrators Forum. She also is on the panel of arbitrators of the Netherlands Arbitration Institute, the Kuala Lumpur Regional Centre for Arbitration and the Singapore International Arbitration Centre.

She acted as co-chair of the LCIA's Young International Arbitration Group from 2005 to 2009, and was a founding board member of NAI *Jong Oranje* (the Dutch under 40 group) from 2004 to 2008. From 2003 to 2007, she was a member of the Working Group for the revision of the Netherlands arbitration act (chaired by Prof. dr. Albert Jan van den Berg). In addition, Melanie is a visiting lecturer at the University of Amsterdam where she teaches international arbitration in the LLM program.

Before joining Derains & Gharavi in 2011, Melanie practiced international arbitration and commercial litigation with Loyens & Loeff, Freshfields Bruckhaus Deringer and Stibbe Simont Monahan Duhot.

ILLUSTRATIVE EXPERIENCE AS COUNSEL

- Counsel for a Scandinavian multinational in a SCC arbitration against a Lebanese company, regarding a dispute concerning the existence and performance of a consultancy agreement (English language, Dutch law applicable);
- Counsel for a Dutch company in an ICC arbitration against a French aviation company over the sale, purchase and construction of a private aircraft (English language, French law applicable);
- Counsel for the largest European broadcasting group in an NAI arbitration against a Netherlands-based media/entertainment multinational, in a post acquisition dispute concerning the Netherlands' largest commercial television and radio stations (Dutch language, Dutch law applicable);
- Counsel for a Netherlands-based engineering firm in a SIAC arbitration against a petrochemical major over the engineering of a number of heat recovery generators for a project in Singapore (English language, Singapore law applicable);
- Counsel for a Netherlands-based engineering firm against a French environmental group in an ICC arbitration over the construction and engineering of a desalination plant in Dubai (English language, French law applicable). Counsel for the same engineering firm in related proceedings before the Dutch State courts against a subcontractor from Dubai (Dutch language, French law applicable);
- Counsel for a Netherlands-based engineering firm in an NAI arbitration against a Spanish subcontractor over the construction and engineering of parts of a desalination plant in Sharjah (English language, Dutch law applicable);
- Advising (pre-arbitration) a Netherlands-based engineering firm against a Malaysian subcontractor over the construction of a water treatment project in Spain;
- Counsel for a French construction major in an ICC arbitration against a Mexican construction major concerning the control over a joint venture (English language, Dutch and Danish law applicable);
- Counsel for two aluminum majors in a series of disputes (NAI arbitrations, proceedings before the Dutch State courts and the European Court of Justice) against the Dutch incumbent electricity production and distribution companies arising out of the liberalization of the European and Dutch electricity markets (English and Dutch languages; Dutch law and European law applicable);
- Counsel for a Dutch pension fund in an ICDR arbitration against a US-based multinational investment group concerning the investments made in one of its funds (English language, English law applicable);
- Member of the legal team representing the Republic of Estonia in an ICSID arbitration against a number of Finnish and German banks (ICSID Case No. ARB/04/6);

- Advising numerous foreign investors on the investment protection afforded by international law;
- Counsel for a Dutch poultry breeding company against a Libyan agent in setting aside proceedings concerning an arbitral award rendered between those parties (Dutch language, Dutch law applicable);
- Counsel for a British aviation company against a Middle Eastern State in setting aside proceedings concerning several arbitral awards rendered between those parties (Dutch language, Dutch law applicable);
- Counsel for a British defense company against a Middle Eastern State in setting aside proceedings concerning multiple arbitral awards rendered between those parties (Dutch language, Dutch law applicable);
- Counsel in numerous other annulment, enforcement and consolidation proceedings before the Netherlands state courts.

EXPERIENCE AS ARBITRATOR

- PCA AA376/AA377 Co-arbitrator in two parallel UNCITRAL arbitrations concerning a dispute between an Asian artist and a European music producer over the production of the artist's music and the management of her business interests;
- PCA AA282 Co-arbitrator in an UNCITRAL arbitration concerning a dispute between a British buyer and a Romanian seller over the sale and purchase of steel;
- LCIA 91454 Chair in an LCIA arbitration concerning a dispute between a Swiss buyer and an Iranian seller over the sale and purchase of copper;
- ICC 15420/EC Sole arbitrator in an ICC arbitration concerning a dispute between a French publishing house and a German company specialized in information and communication technology over a joint venture, providing online patent services;
- ICC 16328/JHN Sole arbitrator in an ICC arbitration between an Indian supplier and a German constructor over the procurement of conductor cables for a cross-border high voltage electricity transmission line;
- Ad hoc Co-arbitrator in an ad hoc arbitration between a Dutch investor and a Ukrainian operator over the operation of a mobile telecommunication network.

PROFESSIONAL EXPERIENCE

Since 2011	Partner, Derains & Gharavi
2005-2011	Counsel, Loyens & Loeff, Paris
2003-2004	Senior Associate, Freshfields Bruckhaus Deringer, Paris
1999-2003	Associate, Freshfields Bruckhaus Deringer, Amsterdam
1996-1999	Trainee lawyer, Stibbe Simont Monahan Duhot, Amsterdam

ACADEMIC POSITION

Since 2005	Visiting lecturer at the University of Amsterdam (LLM program)
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EDUCATION

2011	ICC Advanced Training – Master Class for Arbitrators
2000	Trial Skills Course – National Institute for Trial Advocacy, New York
1996-1998	Professional Education Dutch Bar Association (<i>Beroepsopleiding Nederlandse Orde van Advocaten</i>)
1991-1996	Law Degree (LLM), specializations: Civil Law and International Law – Erasmus University Rotterdam

MEMBERSHIP

- Member of the panel of arbitrators of the Netherlands Arbitration Institute, the Kuala Lumpur Regional Centre for Arbitration and the Singapore International Arbitration Centre
- Member of the ICC Arbitration Commission
- Member of the Supervisory & Advisory Board of the Netherlands Arbitration Institute
- Member of the IBA Arbitration Committee
- Member of the LCIA
- Member of the ICC Young Arbitrators Forum
- Member of NAI *Jong Oranje* (former board member and founder)
- Member of the LCIA Young International Arbitration Group (former co-chair)

PUBLICATIONS

“Het nieuwe ICC-Arbitragereglement 2012”, in *Tijdschrift voor Arbitrage* 2012/1 (see http://www.derainsgharavi.com/en/files/Het_nieuwe_ICC_Arbitragereglement_2012.pdf and http://www.derainsgharavi.com/en/files/Vergelijkende_tabel_ICC_Reglement_1998_2012.pdf)