



Advocatenkantoor De Groot Law Firm B.V.

Diederik de Groot

Advocaat | attorney-at-law - arbitrator
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Diederik de Groot recently retired from the international partnership DLA Piper and started his own law firm. As an independent arbitration lawyer, he is available to accept appointments as an arbitrator in addition to acting in an advisory capacity. Diederik has extensive experience of over 35 years in the fields of commercial litigation and arbitration. At DLA Piper, he was primarily engaged in the firm's international dispute resolution practice. He has handled complex litigations and arbitrations in a wide range of areas: corporate disputes, disputes between shareholders, joint ventures, post-acquisition issues, investment disputes, commercial transactions (international sales of capital goods, distribution and agency, manufacturing contracts, franchising), liability issues (including product liability), private anti-trust claims (private enforcement of EU competition law), transfer of technology, telecom disputes (interconnect issues and privatisation) and intellectual property (license agreements). Such disputes generally feature issues of private international law and comparative law, EU competition law, accounting issues, technical/engineering matters, cross-border gathering of evidence, and complex damage assessments.

Diederik has handled various types of arbitrations, both international (ICC, UNCITRAL, NAI) and domestic (ICC, UNCITRAL, NAI), ADR proceedings (expert determination and mediation) and arbitration related court proceedings (including the Dutch court proceedings that resulted in the landmark ECJ decision in *Eco Swiss v Benetton* (C-126/97, ECR I-3055)).

Diederik served as an arbitrator in a number of ICC and ad hoc arbitrations. He is a member of the Chartered Institute of Arbitrators (MCI Arb). Diederik has lectured and delivered papers at various conferences.

AREAS OF EXPERIENCE

- Commercial arbitration, domestic and international
- Commercial litigation
- Commercial transactions and international trade
- Private international law
- Comparative and uniform law
- Cross-border taking of evidence
- Manufacturing contracts, transfer of technology

CREDENTIALS

Education

Queen Mary
(University of London),
Postgraduate Diploma in
International Commercial
Arbitration, 2006

VU University Amsterdam,
M.A. Philosophy, 1983

VU University Amsterdam,
LL.M. Dutch law, 1980

**Professional
Qualifications**

Advocaat admitted with
the Nederlandse Orde
van Advocaten

Languages

Dutch
English
French
German

KEY EXPERIENCE

- Acting as counsel to a Dutch/US manufacturer of athletic footwear, apparel and sports equipment in an UNCITRAL arbitration about the termination of a sports sponsorship agreement
- Acted as counsel to a Dutch respondent in a NAI arbitration about post-acquisition issues, including warranty claims and allegations of fraud
- Acted as counsel to the Romanian owner of an oil rig in a court dispute about the termination of an off-shore services contract
- Acted as counsel to a Japanese manufacturer in a NAI arbitration about the termination of technology licensing contracts in the automotive industry
- Acted as counsel to a Dutch manufacturer in a NAI arbitration involving competition law issues in the oil and gas industry
- Acted as counsel to a Dutch engineering company in an UNCITRAL arbitration about project fees
- Acted as sole arbitrator in an ICC arbitration about a supply agreement in the solar energy industry
- Acted as co-arbitrator in an ICC arbitration about post-acquisition issues
- Acted as sole arbitrator in an ICC arbitration in a dispute between a US agent and the Israeli manufacturer of automotive parts
- Acted as counsel to a private telecom company in the Netherlands Antilles in a high-value dispute about inter-connect fees
- Acted as counsel to Benetton against Eco Swiss in a number of high profile Dutch court cases (resulting in a landmark ECJ decision) to challenge arbitral awards in a multi-jurisdictional dispute involving claims in excess of USD 100 million
- Acted as counsel for investors in a series of complex corporate litigations about real estate development in the Schiphol Airport area

LEGAL CAREER

- *Advocaat* (attorney-at-law), 1981 - present
- Owner, De Groot Law Firm, 2015 - present
- Partner, DLA Piper, 2004 - 2015
- Partner, SchutGrosheide, 1991 - 2004
- Partner, Caron & Stevens/Baker & McKenzie, 1988 - 1990
- Associate, Caron & Stevens/Baker & McKenzie, 1984 - 1988
- *Stagiaire*, Caron & Stevens/Baker & McKenzie, 1981 - 1984
- University Lecturer, Vrije Universiteit Amsterdam, 1979 - 1980

POSITIONS

- Former Member of the Amsterdam Bar Council (*Raad van Toezicht van de Orde van Advocaten in het Arrondissement Amsterdam*)
- Former Secretary of the Appellate Board (*Raad van Beroep*) of the Dutch Association of Architects (BNA)
- Former Member of the Dutch Arbitration Act Reform Committee chaired by Prof. Van den Berg (*Wetgevingsoverleg Van den Berg*)

MEMBERSHIPS

- Nederlandse Orde van Advocaten (Dutch Bar Association)
- Member of The Chartered Institute of Arbitrators (CIArb)
- London Court of International Arbitration (LCIA)
- International Bar Association (IBA)
- Dutch Chapter of the International Law Association (ILA)
- Vereniging voor Corporate Litigation
- Dutch Arbitration Association
- Vereniging voor Distributie, Franchise en Agentuurrecht (Dutch Association for Distribution, Franchising and Agency Law)

PUBLICATIONS

- 'Arbitration and Company Law: An Introduction' - Editorial special issue, *European Company Law*, 2015
- 'Chapter on the Netherlands' in: Dennis Campbell (Editor), *International Execution against Judgment Debtors*, New York: Thomson Reuters/West, 2015
- 'Arbitrage en Europees mededingingsrecht - een voorlopige balans dertien jaar na Eco Swiss/Benetton', *Tijdschrift voor Arbitrage*, 2012
- 'Het nieuwe ICC-arbitragereglement', *Fenedexpress*, 2012
- 'The Ex Officio Application of European Competition Law by Arbitrators' in: Gordon Blanke & Phillip Landolt (Eds): *EU and US Antitrust Arbitration*, Alphen a/d Rijn: Kluwer Law International, 2011
- 'Internationale arbitrage, ook voor uw onderneming de juiste oplossing?' - a series of six articles on international commercial arbitration, *Fenedexpress*, 2010/2011
- 'Bindend advies vernietigd omdat bindend adviseur niet onpartijdig en onafhankelijk was' - case note on Dutch Supreme Court (October 30, 2009) re annulment expert determination, *Bedrijfsjuridische Berichten*, 2010
- 'Dutch Courts uphold Signature Requirement, Observations on Dutch Supreme Court (Bursa/Güris c.s.)', *Stockholm International Arbitration Review*, 2009; reprinted in: Stephen Bond & Frederic Bachand (Eds), *International Arbitration Court Decisions*, Huntington (NY): Juris Publishing, 2011 3rd Ed., pp 1111-1127
- 'Case Note on Dutch Supreme Court (Bursa/Güris c.s.)', *Tijdschrift voor Arbitrage*, 2009
- Observations on District Court of The Hague (Dutch State/NEA), *Stockholm International Arbitration Review*, 2008; reprinted in: Stephen Bond & Frederic Bachand (Eds), *International Arbitration Court Decisions*, Huntington (NY): Juris Publishing, 2011 3rd Ed., pp 1067-1084
- 'Case Note on State Aid and Arbitration', *Global Competition Litigation Review*, 2008
- 'Case Note on District Court of The Hague (Dutch State/NEA)', *Tijdschrift voor Arbitrage*, 2008; reprinted in: F.D. von Hombrecht (Ed.), *De rechter en arbitrage 1996-2009*, Deventer: Kluwer, 2009
- 'Arbitrage als reëel alternatief', *Fenedexpress*, 2008
- 'Book review: Ph. Landolt: Modernised EC Competition Law in International Arbitration', *Tijdschrift voor Arbitrage*, 2008

- 'Arbitration and the Modernisation of EC Competition law', *European Business Law Review*, 2008
- 'When Different Cultures meet: Mastering Cross-Cultural Considerations in International Business and Dispute Resolution' - Paper presented at the 2008 Conference of the American Bar Association (Section of Business Law)
- 'Arbitrage en de modernisering van het Europese mededingingsrecht', *Tijdschrift voor Arbitrage*, 2007
- 'Observations on Court of Appeal of The Hague (Van Raalte/MDI)', *Stockholm International Arbitration*, 2006; reprinted in: Stephen Bond & Frederic Bachand (Eds), *International Arbitration Court Decisions*, Huntington (NY): Juris Publishing, 2011 3rd Ed., pp 1039-1066
- 'Een poldervariant op de second look?', *Bedrijfsjuridische Berichten*, 2006
- 'Optional elements in arbitration', in: Dennis Campbell (Ed.): *Selected Perspectives on Arbitration*, 2006
- 'Observations on Cour d'appel de Paris (Thalès Air Defence/GIE Euromissile et al.)', *Stockholm International Arbitration Review*, 2005; reprinted in: Stephen Bond & Frederic Bachand (Eds), *International Arbitration Court Decisions*, Huntington (NY): Juris Publishing, 2011 3rd Ed., pp 867-887
- 'Observations on Court of Appeal for Western Sweden (Dirland Télécom/Viking Telecom)', *Stockholm Arbitration Report*, 2004; reprinted in: Stephen Bond & Frederic Bachand (Eds), *International Arbitration Court Decisions*, Huntington (NY), 2011 3rd Ed., pp 1409-1426
- 'The impact of the Benetton decision on international commercial arbitration', *Journal of International Arbitration*, 2003
- 'Ensuring your agreements are binding - going Dutch', *European Counsel*, 1998
- 'La transposition du droit communautaire dans le droit néerlandais', *Cahiers juridiques et fiscaux de l'exportation*, 1992
- 'Arbitration in The Netherlands: Background to the Arbitration Act 1986', *International Company and Commercial Law Review*, 1990
- 'L'arbitrage aux Pays-Bas', *Cahiers juridiques et fiscaux de l'exportation*, 1990
- 'Theodor Viehweg: De omstreden actualiteit van de topika in de rechtstheoretische discussie', *Rechtsfilosofie & Rechtstheorie*, 1988