


## KAP-YOU (KEVIN) KIM

Senior Partner  
LL.B. LL.M.



Bar admission : Republic of Korea, 1988; New York, 1995  
Nationality : Korean  
Languages : Korean, English, Japanese

 [kevinkim@peterandkim.com](mailto:kevinkim@peterandkim.com)

 +82 2 538 2900

### AREAS OF EXPERTISE

- > Arbitration / Litigation
- > Investments & BITs
- > Trade law and WTO
- > Project Financing
- > Mergers & Acquisitions
- > Distribution / Agency
- > Joint Ventures / Consortia

### INDUSTRY SECTORS

- > Energy & Power
- > Oil & Gas
- > Pharmaceutical & Biotech
- > Automotive & Heavy Industry
- > Construction & Engineering
- > Shipping
- > Shipbuilding
- > Insurance

### PROFESSIONAL PRACTICE

Kap-You (Kevin) Kim is a senior partner at Peter & Kim in Seoul. He was previously a senior partner at Bae, Kim & Lee LLC, where he worked for the past three decades in various roles, including as the co-founder and head of the International Arbitration Practice and the head of the Domestic and International Disputes Group.

Over the past 30 years, Kevin has acted as counsel, presiding arbitrator, co-arbitrator or sole arbitrator in more than 330 cases of international arbitrations under various arbitration rules. Presently, he is involved in several investment and commercial arbitrations.

Among other positions that he holds, Kevin is an Advisory Board Member of the International Council for Commercial Arbitration (ICCA) and the Chairman of the Korean Commercial Arbitration Board's (KCAB) International Arbitration Committee.

In the past, Kevin has served as the Vice President of the ICC International Court of Arbitration (2014 - 2021), Secretary General of ICCA (2010 - 2014), member of the LCIA Court (2007 - 2012) and Vice Chair of the IBA Arbitration Committee (2008 - 2010).

### AWARDS AND RECOGNITION

- > Who's Who Legal (WWL): Global Elite Thought Leaders 2021; Thought Leaders Arbitration 2022; Thought Leaders Construction 2022
- > Global Arbitration Review: Leading Practicing Arbitration Expert in Korea (2006 - 2020)
- > Chambers: Star Individuals in Dispute Resolution - South Korea (2010 - 2022)
- > The Legal 500 Asia-Pacific: Leading Individuals in International Arbitration Band 1 (2010 - 2019)
- > Chambers Asia-Pacific Awards: Outstanding Contribution Award (2013)
- > Asialaw: Disputes Star of the Year (2015)
- > ALB Korea Law Awards: Dispute Resolution Lawyer of the Year (2020)

### CAREER

- > Founding Partner, Peter & Kim (2019 - present)
- > President, KCAB International Arbitration Committee (2017 - present)
- > Advisory Governing Board Member, International Council for Commercial Arbitration (ICCA) (2019 - present)
- > Vice President, ICC International Court of Arbitration (2014 - 2021)
- > Secretary General, International Council for Commercial Arbitration (ICCA) (2010 - 2014)
- > Adjunct Professor, Seoul National University Law School (2020 - 2022)
- > President, Arbitration Training Institute, Seoul Bar Association (2020 - present)
- > Chair, ICC Korea Arbitration Committee (2014 - present)
- > Vice President, The Korean Arbitrators Association (KAA) (2011 - present)
- > Editorial Board Member, Global Arbitration Review (2009 - present)
- > Partner and Senior Partner, Bae, Kim & Lee LLC (1996 - 2019)
- > President, Korea International Trade Law Association (2015 - 2016)
- > Governing Board Member and Co-chair of Audit Committee, International Council for Commercial Arbitration (ICCA) (2014 - 2019)
- > Commissioner, Korea Copyright Commission (KCC) (2012 - 2016)
- > Secretary General, Seoul International Dispute Resolution Center (Seoul IDRC) (2012 - 2014)
- > President, Korean Council for International Arbitration (KOCIA) (2012 - 2013)
- > Chair, 2011 IBA International Arbitration Day Organizing Committee (2010 - 2011)
- > Council Member, American Arbitration Association (AAA) (2009 - 2020)

#### GENEVA

Av. de Champel 8C - P.O. Box 71  
1211 Geneva 12  
Switzerland  
P: +41 58 317 70 70  
F: +41 58 317 70 75

#### ZURICH

Falkenstrasse 30  
8008 Zürich  
Switzerland  
P: +41 58 317 70 70  
F: +41 58 317 70 75

#### SEOUL

#1704 Trade Tower  
511 Yeongdong-daero, Gangnam-gu  
Seoul 06164  
South Korea  
P: +82 2 538 2900  
F: +82 2 538 2901

#### SINGAPORE

6 Battery Road  
#17-01  
Singapore 049909  
P: +65 6978 3400  
F: +65 9768 8815

#### SYDNEY

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Sydney NSW 2000  
Australia  
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### QUOTES

- Who's Who Legal (2020) says: "Kap-You (Kevin) Kim 'is a key figure in the Korean arbitration market' who has built 'a strong network of arbitrators and practitioners' and is widely considered 'a statesman in the market'."
- Chambers (2019) says: "Both a leading practitioner domestically and 'highly regarded internationally', 'widely acknowledged as a pioneer in international arbitration in Korea and a very highly regarded individual'."
- Chambers Asia (2006-2019) also reports: "One of the most respected figures in the Asian arbitration."

- > Member, Drafting Subcommittee on the Revision of the ICC Rules of Arbitration (2009 - 2011)
- > Vice Chair, Arbitration Committee, International Bar Association (IBA) (2008 - 2010)
- > Publication Committee Chairman, Inter-Pacific Bar Association (IPBA) (2008 - 2010)
- > Court member, London Court of International Arbitration (LCIA) (2007 - 2012)
- > Secretary General, International Association of Korean Lawyers (IAKL) (2002 - 2004)
- > Executive Director of International Affairs, Korean Bar Association (2001 - 2003)
- > Chairman of the International Committee, Korean Bar Association (2001 - 2003)

### EDUCATION

- > Harvard Law School (LL.M., 1994)
- > Judicial Research and Training Institute, Supreme Court of the Republic of Korea (1986 - 1988)
- > Seoul National University Law School (LL.M., 1988)
- > Seoul National University Law School (LL.B., 1985)

### PROFESSIONAL ASSOCIATIONS

- > Korean and Seoul Bar Association
- > Arbitrator, Korea Commercial Arbitration Board (2002 - present)
- > Panel of Arbitrators, Japan commercial Arbitration Association (JCAA) (2008 - present)
- > Panel of Arbitrators, International Centre for Settlement of Investment Disputes (ICSID) (2009 - present)
- > Panel of Arbitrators, Singapore International Arbitration Centre (SIAC) (2011 - present)
- > Panel of Arbitrators, Hong Kong International Arbitration Centre (HKIAC) (2011 - present)
- > Panel of Arbitrators, Kuala Lumpur Regional Centre for Arbitration (KLRC) (2013 - present)
- > Panel of Arbitrators, South China International Economic and Trade Arbitration Commission (SCIA) (2013 - present)
- > Panel of Arbitrators, Beijing Arbitration Commission (BAC) (2013 - present)
- > Panel of Experts, International Corporation for Assigned Names and Numbers (ICANN) (2013 - present)
- > Panel of Mediators, Vietnam Mediation Centre (VMC) (2018 - present)
- > Primary Panel of Arbitrators, Maldives International Arbitration Centre (MIAC) (2020 - present)
- > Panel of Arbitrators, Shanghai International Arbitration Center (SHIAC) (2021 - present)
- > Panel of Arbitrators, Viet Nam International Arbitration Centre (VIAC) (2022 - present)
- > Panel of Arbitrators, Bali International Arbitration and Mediation Center (BIAMC) (2022 - present)
- > Arbitrator, Internet Address Dispute Resolution Committee (2004 - 2010)
- > Arbitrator, Korea Sports Arbitration Committee (2006 - 2010)

### REPRESENTATIVE CASES

- > Counsel to a global real estate developer in an ICC arbitration seated in Korea, involving a dispute arising from a large real estate development project in Korea and its financing, securing a win on all claims made against a Korean global real estate developer in the aggregate amount of over USD 2 billion.
- > Counsel in a successful, high-profile ICC arbitration involving a dispute among shareholders for control over a major Korean oil refining and marketing company, with the underlying claims valued at over USD 3 billion (or USD 5 billion including counterclaims). The arbitration award won GAR's "Arbitration Win of the Year" in 2011.
- > Counsel in an ICSID arbitration under the Korea-Belgium/Luxembourg BIT, involving a claim against the Government of Korea and securing a favourable award in the aggregate amount of over USD 5 billion.

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Av. de Champel 8C - P.O. Box 71  
1211 Geneva 12  
Switzerland  
P: +41 58 317 70 70  
F: +41 58 317 70 75

#### ZURICH

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8008 Zürich  
Switzerland  
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- > Counsel in an ICC arbitration involving a dispute arising from the repair works of natural gas marine plants in Qatar, which ended in favourable settlement for the client, with more than USD 8 billion in dispute.
- > Counsel in a successful high-value LCIA arbitration seated in London, involving a dispute arising from the procurement, construction, and commissioning of the first nuclear power station in the United Arab Emirates.
- > Counsel in an ICC arbitration involving claims by a multinational private equity firm against a Korean bank in the amount of over USD 1.2 billion and securing a favourable award for our client.
- > Counsel in an investment treaty arbitration filed by Swiss-based elevator maker Schindler against the Government of Korea, in connection to its investment in Hyundai Elevator.
- > Counsel to a US private equity firm in a Singapore seated ICC arbitration seeking successfully economic damages against two financial institutions (settled).
- > Counsel in a successful ICC arbitration seated in Toronto, involving a dispute arising from the engineering and construction of a major mining and processing plant project in Madagascar, Africa.
- > Counsel in a successful ICC arbitration seated in London, involving a dispute arising from the construction of a combined cycle power plant in Jordan.
- > Counsel in a SIAC arbitration seated in Singapore, involving a dispute arising from the engineering, procurement, and construction of a heavy rail-based urban transit system in Vietnam.
- > Counsel to a major retail company in a US litigation in Guam, USA. The dispute related to a concession agreement for exclusive rights to operate duty free stores at the international airport in Guam.
- > Counsel in an LCIA arbitration seated in London. The dispute was related to the engineering and construction of several ultra-deepwater drillships and a semi-submersible rig.
- > Counsel in a SIAC arbitration seated in Singapore, involving a dispute relating to manufacture and sale of structural steel for use in the construction of a large-scale civil engineering project.
- > Counsel in an ICC arbitration involving a claim of over USD 500 million in connection to a dispute relating to the payment of royalties for wireless telecommunications technology.
- > Counsel in an ICC arbitration seated in Singapore, involving a Post-M&A dispute over the purchase of shares in a hypermarkets chain in China and securing a favourable award for our client.
- > Counsel to a major telecommunications company in an ICC arbitration involving a dispute over the ownership of a highly sophisticated and complex telecommunications device.
- > Counsel in an ICC-arbitration involving a dispute over an alleged unauthorized use of high-value proprietary enterprise resource planning software in breach of contract.
- > Counsel in an arbitration involving a dispute arising from the prospective sale of shares in a major multiplex facility in Korea pursuant to the provisions of a complex shareholders' agreement.

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- > Counsel in a consolidated HKIAC arbitration involving a post-M&A dispute over the sale of shares in a major logistics company between two global private equity firms.
- > Counsel in an HKIAC arbitration involving a post-M&A dispute over the sale and purchase of shares between a Hong Kong entity and two Korean venture capital investment funds.
- > Counsel in an ICC arbitration involving a dispute over the design, marketing and sale of golf club memberships and luxury real estate on a man-made island in the Yellow Sea.
- > Counsel in an arbitration involving a dispute over the relocation of a major US military base from downtown Seoul to a satellite city.
- > Counsel in an ICC arbitration involving a dispute arising from a contract between a Korean automobile manufacturer and the largest automobile company in the United States concerning the transfer and use of technology.
- > Counsel in an arbitration involving a dispute between Korea's largest gas corporation and its former joint venture partner (UK listed entity) regarding the development of a gas field in Western Iraq on the Syrian border.
- > Counsel in an ICC arbitration between two welding product companies regarding a dispute over a control of a Chinese joint venture company.
- > Counsel, together with US co-counsel, in defending two large financial institutions in a class action lawsuit involving allegations of securities fraud and seeking damages in excess of USD 600 million.
- > Counsel in an ICC arbitration involving a dispute arising from a distributorship agreement between one of the world's largest manufacturers of medical products and one of Korea's most prominent publicly-listed pharmaceutical companies.
- > Counsel in an ICC arbitration between Korea's largest engineering and construction company and a major German membrane roof construction company, involving a dispute over the roof construction of one of the football stadiums that hosted the 2002 World Cup matches.
- > Counsel to a football club in a claim against a player's agent in proceedings before the FIFA Player's Status Committee and the Court of Arbitration for Sport (CAS) arbitration.
- > Counsel to the president of the Badminton World Federation in organizational disputes between the Badminton World Federation and other regional federations. The dispute related to the governance of the Badminton World Federation.
- > Counsel in an ICC arbitration between one of Korea's largest automobile manufacturers and one of the largest automobile distributors in Oman, involving a dispute arising from a distribution agreement.
- > Counsel to a prestigious Hong Kong-based private equity firm in an ICC arbitration involving a claim against one of Korea's largest confectionary companies. The dispute related to the sale of a leading chain of convenience stores based in Korea.
- > Counsel to 16 creditors of a former Korean passenger vehicle manufacturer and distributor in an ICC arbitration over a dispute involving transfer of assets against, among others, the largest French automobile manufacturer and distributor.
- > Arbitrator in a SIAC arbitration seated in Singapore, involving a dispute arising out of an insurance claim under a trade credit insurance policy for the sale of steel.

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- > Arbitrator in a KCAB international arbitration involving a dispute concerning the sale, shipment, and installation of a production system for printed circuit boards in Vietnam.
- > Arbitrator in a KCAB international arbitration involving a dispute arising from a contract regarding the sale of medical equipment between a Dutch and a Korean company.
- > Arbitrator in a KCAB international arbitration regarding a dispute over the sale of LED panels and associated equipment.
- > Arbitrator in a KCAB international arbitration regarding a dispute over the sale and shipment of scrap polymer packaging film.
- > Presiding arbitrator of an ICSID ad-hoc annulment committee in relation to an investment arbitration award regarding Spain's renewable energy policy.
- > Presiding arbitrator in an ad-hoc arbitration conducted under the UNCITRAL Arbitration Rules 1976, relating to an infrastructure operating contract between a state-entity of the Philippines and a private party.
- > Committee member of an ICSID ad-hoc annulment committee regarding an investment arbitration award related to the nationalization of oilfield projects.
- > Presiding arbitrator in a KCAB international arbitration involving a dispute concerning the supply of and technical support for the main components of a power plant.
- > Presiding arbitrator in an ICC arbitration seated in Tokyo, involving a dispute arising out of the construction of a solar photovoltaic power plant.

## PUBLICATIONS

- > Co-author, "Arbitration World - South Korea Chapter", Thomson Reuters, 2019
- > Co-author of the Korea chapter in "The International Comparative Legal Guide to: Litigation & Dispute Resolution", Global Legal Group, 2016 - 2019
- > Co-author of the Korea section of "GAR Know-how - Litigation", Global Arbitration Review, 2016 - 2019
- > Co-author, "Arbitration Law & Practice", Revised ed., Pakyoungsa, 2016
- > Co-author, "The Procedural Benefits of Arbitrating Patent Disputes", Journal of Arbitration Studies, Vol. 26, No. 3, pp. 51 - 66, Korea Association of Arbitration Studies, Seoul, 2016
- > "The Gangnam Principles: A Blueprint for Efficiency in Arbitration", in Schwartz, Eric A, et al (eds.), "International Arbitration Under Review: Essays in Honour of John Beechey," Int'l. Chamber of Commerce, 2015
- > Co-author, "GLI - Litigation & Dispute Resolution Second Edition - Korea", Global Legal Group, 2013. 8.
- > Co-author, "The Dawn of a New Age from the Perspective of Korea", Chartered Institute of Arbitrators' Journal, Vol. 79:3, 2013. 8.
- > "The Korean Perspective on International Arbitration Today and Tomorrow", in Albert Jan van den Berg (ed.), International Arbitration: The Coming of a New Age? ICCA Congress Series No. 17, pp. 42-52, Kluwer Law International, 2013.
- > "Korean Supreme Court Case Review: Do arbitration agreements in bills of lading reach non-signatories in the chain of transportation?", Korean Arbitration Review, 2012. 5.
- > Co-author of the Korea chapter of the "International Handbook on Commercial Arbitration", Kluwer Law International, 2012 - 2019
- > Co-author, "Arbitration Law of Korea: Practice and Procedure", Bae, Kim & Lee LLC International Arbitration and Litigation Group, Juris Publishing, 2011. 12.
- > Co-author, "Arbitration in Asia - Korea", 2nd ed., JurisNet, LLC, 2008.
- > "Issues and Arguments in Trade Dispute Cases against Korean Industries on Countervailing Measures", Journal of Korean Law Vol. 3, Seoul National University, 2003.

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Switzerland  
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F: +41 58 317 70 75

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