

Mark Seah

Senior Partner



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Overview

Mark Seah is a senior partner in Dentons Rodyk's Litigation and Dispute Resolution and Arbitration practice groups. He is also the Singapore-Australia relationship partner. Mark's practice in commercial litigation and arbitration involves disputes concerning commodities, restructuring and insolvency, derivatives, shareholder and corporate matters and employment. His areas of practice also cover international trade disputes and he has a particular focus on oil and gas disputes.

Mark is experienced in handling litigation as well as arbitration proceedings, having been retained in a variety of complex disputes. He has acted in cross-border litigation as well as in international arbitrations. Regularly appearing before the Supreme Court, Mark has successfully represented a wide spectrum of clients, some in high profile cases. He has advised and represented prominent companies including some of the world's largest, governments, state owned entities and leading banks.

His arbitration work includes acting as counsel in arbitrations under the auspices of the Singapore International Arbitration Centre as well as under other institutions. In this connection, Mark has acted in multi-million dollar oil and gas disputes as well as in oil rig disputes. Having acted in both shareholder and partnership disputes, Mark is often sought to advise on corporate matters. Mark has acted in High Court and Court of Appeal cases concerning trusts and has also successfully represented multi-national companies in carriage disputes. Mark's insolvency practice involves him acting in restructuring arrangements, including in the Hyflux Group restructuring. He also regularly advising in liquidation matters, acted in winding up proceedings and has assisted liquidators in forensic investigations. On the employment disputes front, Mark has successfully acted with Senior Counsel in a leading restrictive covenant decision before the Court of Appeal, *Mano Vikrant Singh v Cargill TSF Asia Pte Ltd*, as well as other employment cases, including where he successfully acted for a prominent architectural firm in both the High Court and Court of Appeal.

Experience

- **PNG Sustainable Development Program Limited ("PNGSDP")**: Successfully acted for PNGSDP as lead counsel in the Singapore High Court (General Division) in relation to a US\$1.48 billion dispute brought by the Ok Tedi Fly River Development Foundation Ltd and others purportedly on behalf of some 147,000 Papua

New Guineans; acting as lead counsel in the appeal. Successfully acted as lead counsel for PNGSDP in separate multi-million dollar proceedings brought by PNGSDP against several individuals and related entities. Successfully acted for PNGSDP in both the Singapore Court of Appeal and High Court in multiple proceedings brought by the State of Papua New Guinea (“PNG State”) for control of PNGSDP and its assets worth over US\$1.4 billion dollars (reported as *Independent State of Papua New Guinea v PNG Sustainable Development Program Ltd* [2020] SGCA 44 and *Independent State of Papua New Guinea v PNG Sustainable Development Program Ltd* [2019] SGHC 68 respectively). Successfully acted for PNGSDP as lead counsel in another High Court Suit brought by the PNG State in a dispute in excess of US\$100 million. PNGSDP was incorporated by BHP as part of arrangements reached with the PNG State pertaining to BHP’s exit from the Ok Tedi Mine, a major gold and copper mine.

- **Hyflux Group restructuring:** Acting for the Trustee of the Perpetual Securities holders, whose claims exceed S\$500 million. The Hyflux Group’s debts are approximately S\$3 billion.
- **Foreign telecommunications company:** Acting as lead counsel in a multi-million dollar SIAC arbitration.
- **Educational institutions:** Acting as lead counsel in a multi-million dollar arbitration in relation to collaboration agreements.
- **Ezion Group restructuring:** Acting for the investor (Yinson Holdings) in the relation to the intended restructuring by Ezion of its more than S\$740 million debt.
- **Major commodities trader/fund:** Acted as lead counsel in defending a High Court claim in excess of US\$11 million and in successfully injuncted the transfer of shares (in excess of US\$6million) in related proceedings. The matter also involved an arbitration. The various proceedings were settled. Also separately acted for the same group in respect of their recovery efforts of about US\$25 million in cross border proceedings, which was successful.
- **Former shareholders:** Successfully acted for a group of former shareholders of a leading company in the construction industry, in SIAC Arbitration dispute involving several millions. The dispute arose in relation to a sale and purchase agreement and involved complex accounting issues.
- **A large state-owned entity:** Acted in a complex multi-million dollar oil related arbitration in which the claim against the client, which was primarily for "hedging" losses on futures contracts, was successfully resisted. The counterparty in the arbitration subsequently brought an application in the Singapore High Court to set aside part of the Award. Successfully acted in the High Court proceedings in 2014 to resist the application (reported as *AMZ v AXX* [2015] SGHC 283).
- **NYSE Listed entity and its subsidiaries:** Acted in an international arbitration in respect of a pharmaceutical joint venture dispute with the minority shareholder, where more than US\$50 million was at stake. The claims brought by the minority shareholder were successfully resisted.
- **Oil Trader:** Successfully acted for a major Singapore oil trading company to defend the arbitration award that it had successfully obtained, in setting aside proceedings brought in the High Court of Singapore.
- **A major gas supplier:** Acted in a multi-million dollar arbitration, in relation to a gas sales contract (settled).
- **Shareholders:** Acted in a shareholders’ dispute in respect of a group of companies where more than S\$100 million was at stake (settled). Some of the companies in the group hold prime freehold commercial property.
- **A leading player in global subsea oil industry:** Acted in Singapore High Court proceedings involving a multi-million dollar dispute over the client’s design and build of a subsea load handling system (settled). Also acting in separate disputes, including its claim against a company for about US\$4.6 million, a multi-million dollar dispute in relation to four sale contracts concerning cranes and its claims against a shipyard, which also involve insolvency proceedings.
- **Singapore listed company:** Acted as lead counsel for the wholly owned subsidiary of a Singapore listed company in a complex shipping related arbitration. The matter concerned numerous claims (including claims for despatch/demurrage and fundamental breach of contract). Mark led the team to successfully establish a

significant part of its claim and to effectively defeat the Respondent's counterclaim for substantial damages.

- **Government of Laos:** Acted in the Singapore High Court in support of international arbitration proceedings. The case has been reported as *The Lao People's Democratic Republic v Sanum Investments Ltd and another* [2013] 4 SLR 947; [2013] SGHC 183.
- **Federal Express Services (M) Sdn Bhd:** Acted in a contractual/tortious dispute arising out of carriage of goods on land/bailment, *Sun Technosystems Pte Ltd v Federal Express Services (M) Sdn Bhd* [2007] and 1 SLR 411 and *Smart Modular Technologies Sdn Bhd and Another v Federal Express Services (M) Sdn Bhd and another* [2006] 2 SLR 797 and was successful in both the High Court and Court of Appeal.
- **A prominent Japanese MNC:** Acted as co-counsel in a multi-million dollar trust dispute in the High Court (settled).

Insights

- "Whose money is it? A look at garnishee proceedings and joint-bank accounts in *Timing Ltd v Tay Toh Hin and anor* [2021] SGHC 5," *Singapore Law Watch, JD Supra, Dentons Rodyk Reporter Issue 02 (2021)*
- "Simplified Insolvency Programme," *Singapore Law Watch, JD Supra, Dentons Rodyk Reporter Issue 03 (2021)*
- "The Insolvency, Restructuring and Dissolution Act 2018 – A New Chapter in Singapore's Insolvency Laws ," *JD Supra, Dentons Rodyk Reporter Issue 05 (2020)*
- "Surviving the COVID-19 crisis – A legal perspective for businesses and corporates in Singapore," *Dentons Rodyk Reporter Issue 03 (2020)*
- "Corporate and individual bankruptcy under one roof," *Mondaq, Dentons Rodyk Reporter Issue 04 (2018)*
- "An appeal on the merits unmasked - High Court dismisses application to set aside arbitral award," *Mondaq, Construction & Arbitration Update Issue 03 (2016)*
- "An award set aside - The end of the road or the beginning of a new one?," *Construction & Arbitration Update Issue 02 (2016)*
- "SCMA Rules 3rd Edition - A commentary on the recent amendments," *Dentons Rodyk Reporter 02 (2016)*
- "High Court Refuses To Set Aside An International Arbitration Award," *Construction & Arbitration Update Issue 01 (2016)*
- "The Maritime Labour Convention arrives on Singapore Shores - what does this mean for our shipping industry?," *Starboard October 2014*
- Singapore Chapter, *Aircraft Repossession and Enforcement*, 2009
- *Singapore Precedents of Pleadings (2006)*, ed. by Jeffery Pinsler, 2006
- "Deep Venous Thrombosis Not 'Accident' Under Warsaw Convention," *Rodyk Reporter September 2005*

Activities and Affiliations

Appointments

- Accredited Mediator, Singapore Mediation Centre (SMC)
- Member, Inquiry Panel, Law Society of Singapore
- Member, Panel of Solicitors, Legal Aid Bureau

Presentations

- Italian Chamber of Commerce (Singapore) (2020), Speaker
- SIAC Manila Conference (2019), Panel Discussion
- International Bar Association, Rome (2018), Panel Discussion
- Employment Law and HR Management Masterclass
- Lease and Tenancy Masterclasses

Prior and Present Employment

- Senior Partner, Dentons Rodyk & Davidson LLP (formerly Rodyk & Davidson LLP), 2004 - present

Areas of focus

Practices

- Litigation and Dispute Resolution
- Commercial Litigation
- Employment Disputes
- Intellectual Property Litigation
- Insurance Litigation and Arbitration

Education

- National University of Singapore, 2003, LLB, (2nd Class Hons, Upper Division, Dean's List)

Admissions and qualifications

- Advocate & Solicitor, Singapore, 2004