



## Agustin Spotorno

Associate

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Agustin is an international disputes attorney trained and experienced in civil law and common law. He focuses his practice on international arbitration, cross-border litigation and public international law, advising on complex, high-stakes commercial, investor-State and State-to-State disputes around the world (notably throughout Europe, Latin America, Asia, and the Middle East) including under various governing laws and procedural rules.

Agustin advises clients across a number of industries, including energy and natural resources, pharmaceuticals, maritime, telecommunications, and financial services. He handles a diverse array of complex, high-stakes and sensitive public international law, international investment and commercial arbitration and litigation matters around the world.

Before joining Winston & Strawn, Agustin was an associate with the International Dispute Resolution Group at a leading New York law firm, prior to which he served as Tribunal Secretary and Arbitral Assistant to a well-known international arbitrator in London and Hong Kong, where he gained significant exposure to the largest commercial and investor-State arbitrations in the Middle East, Asia, and LATAM.

Agustin has been involved in international conflicts involving states, state-owned companies, foreign investors and multinational companies in disputes involving breaches of international law as well as commercial disputes in the

energy, oil & gas, financial services and pharmaceutical industries arising out of, amongst others, joint venture, shareholder, power purchase and concession agreements governed by English law and New York law, among other leading governing laws.

In Latin America, Agustin worked as an Associate at two leading Argentine law firms focusing on complex commercial litigation, public international law, and Corporate and M&A in the telecommunications, electricity and automobile sectors. He also gained experience as legal counsel in corporate and commercial affairs at Spanish and French multinationals operating in Argentina's gaming and hospitality sectors.

## Key Matters

*Some of the experience represented below may have been handled at a previous firm.*

- Advised a leading online gaming company in a Singapore-seated arbitration in connection with the breach of a sponsoring and licencing agreement entered into with an India-based party leading the online market place therein.
- Represented multiple investors in connection with a mass arbitration under the AAA-ICDR rules in the U.S. as a result of the conduct of a tech giant under a standard form-type contract governed by Washington law.
- A multi-million, high-profile investor-State dispute under the auspices of ICSID on behalf of an investor in the solar photovoltaic industry whose investments have been stifled as a result of the sudden withdrawals of incentives and other harmful actions by a European state against its investments.
- A multi-million, complex investor-State dispute under the auspices of ICSID on behalf of an investor in the wireless telecommunications industry whose investment has been destroyed as a result of the measures taken by an North African State.
- Advised a leading American multinational corporation leader in the manufacturing, design and sale of airplanes in connection with claims and investigations resulting from a well-known air crash.
- Advised an Australia-listed mining corporation on an imminent claim relating to the supply of ion lithium to a world leader US-based car manufacturing company under a English law-governed based arrangement.
- A multi-million, high-profile, complex, multi-jurisdictional LCIA arbitration and ancillary litigation proceedings in the British Virgin Islands and the United States, arising out of a billion-dollar project consisting of the construction, development, and operation of an ultra-high-end residential club community, luxury resort and marina in the Bahamas.
- A multi-billion Euro arbitration under DIFC-LCIA Rules (Dubai seat, English governing law) arising out of a shareholders' agreement in connection with a claim brought by the subsidiary of one of the world's leading online food delivery groups.
- An international dispute involving a NYSE and BASE-listed leading energy corporation, as a co-respondent with a sovereign state in a complex, multi-jurisdictional and multibillion dollar claim arising from the sovereign state's intervention, temporary occupation and subsequent expropriation of 51% of the energy corporation's capital stock.
- An Amsterdam-seated ICC arbitration and subsequent litigation proceedings involving a complex, multi-jurisdictional and multimillion dollar claim brought by a pharma company over manufacture and supply obligations and transfer of intellectual property involving critical products, resulting from breaches of a Dutch law-governed agreement.
- A London-seated ICC arbitration between Dubai-based and Kuwait oil and gas companies' parties to an English law-governed joint venture for the exploration and exploitation of an oil block in Iraq, over the allocation of the participating interests of an outgoing energy company previously party to the joint venture.

- An UNCITRAL investor-State arbitration administered by the Permanent Court of Arbitration (PCA) in a multimillion dollar dispute between a Saudi investor and a Middle East state under the Organization of Islamic Cooperation Investment Agreement and a Bilateral Investment Treaty in connection with alleged violations of guaranteed tariffs in a large steel project.
- An investigation carried out by U.S. regulatory bodies in connection with the failure by the directors of a leading financial services company to disclose certain criminal and regulatory proceedings involving securities and investments law breaches in annual forms to be filed with the regulators.
- An UNCITRAL bi-lingual investor-State arbitration administered by the Permanent Court of Arbitration (PCA) in a multimillion dollar dispute brought under the Investment Chapter of a Free Trade Agreement by U.S. investors in a Latin American financial institution subjected to a series of Government measures during a banking and financial crisis.
- A London-seated LCIA arbitration involving two pharmaceutical giants in connection with a multimillion dollar dispute over the sublicensing of intellectual property of a critical cancer treatment system under an English law-governed pharma licence agreement.
- An advisory public international law matter regarding a State-to-State dispute before the ICJ and an UNCLOS tribunal in connection with a planned discharge of radioactive water into the ocean with potential impact on the environment and neighbouring countries
- Advised a major Brazilian electric utilities company in relation to a contractual and public international law dispute with its international counterparty to a concession contract for the joint construction and operation of a large hydroelectric power station in a shared river as provided for in a Bilateral Treaty between Brazil and a neighbouring country.
- Advised former Afghan judges and human rights activists living in hiding in Taliban-controlled Afghanistan, who faced risk of death and serious harm because of their links to the UK and US missions in Afghanistan, in connection with their relocation and resettlement in the UK under international human rights, refugee and English immigration law.

## Recognitions

- Recommended by The Legal 500 UK
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## Activities

- Associate Member of the Chartered Institute of Arbitrators (CI Arb);
  - Member of Young ICCA (International Council for Commercial Arbitration);
  - Member of Young ITA (Institute for Transnational Arbitration) at the Center for American and International Law;
  - Member of ASA Young (Swiss Arbitration Association);
  - Member of the Young Arbitrators Forum (International Chamber of Commerce (ICC);
  - Member of the Young International Arbitration Group (YIAG) (London Court of International Arbitration (LCIA)).
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## Credentials

### EDUCATION

Agustin holds a Graduate Diploma in Law (Hons) from Pontificia Universidad Católica Argentina, a Postgraduate Diploma in Corporate Law (Hons) from Universidad de Buenos Aires and an LL.M (Distinction) in Comparative and International Dispute Resolution from the School of International Arbitration at Queen Mary University of London.

## LANGUAGES

- Spanish
- French
- English

## ADMISSIONS

- Argentina
- England & Wales

## Related Insights & News

Agustin publishes regularly in journals including the Chartered Institute of Arbitrators (CI Arb) International Journal of Arbitration, Mediation and Dispute Management; Wolters Kluwer's Arbitration Journal and Business Law Review; Thomson Reuters' La Ley; Handbook of International Investment Law and Policy and Errepar.

## PUBLICATIONS BY AGUSTIN SPOTORNO

- Arbitral Precedent in England and Wales: Mission Impossible? *Wolters Kluwer (Arbitration)* September 2019
- Arbitration and the Development of English law, *The Chartered Institute of Arbitrators' International Journal of Arbitration, Mediation and Dispute Management in association with Sweet & Maxwell*, May 2019.
- Derivative Litigation: Why is the Rule of *Foss v. Harbottle* Such an Important One? *Wolters Kluwer (Business Law Review)*, November 2018.
- Piercing the Corporate Veil in the UK: The Never-Ending Mess, *Wolters Kluwer (Business Law Review)*, February 2018.
- Public-Private Partnerships (PPP) Contracts: An Overview of the New PPP Act in Argentina (Spanish), *Erreius Law Journal*, April 2017.
- Service of Process Outside of the Jurisdiction on Multinational Corporations Operating in Argentina pursuant to Article 123 of the General Company Law (Spanish), *Thomson Reuters, La Ley*, February 2017.

## ACKNOWLEDGMENTS AND CONTRIBUTIONS TO OTHER PUBLISHED PAPERS

- Tribunal Jurisdiction and the Relationship of Investment Arbitration with Municipal Courts and Tribunals, *Springer Reference's Handbook of International Investment Law and Policy*, 2021, Catherine Amirfar and Nelson Goh, February 2021.
- State Courts' Attitude to Arbitrator Challenge Applications: Rich Tapestry of Arbitrator Bias Standards, *BCDR International Arbitration Review*, Natalie Reid, Lord Goldsmith QC, Maxim Osadchiy, July 2019.
- An International Arbitral Legal Order, Unicorn, Global Reality, or an Aspiration that has had its Day? Seoul Arbitration Lecture, Seoul IDRC, John Beechey CBE, November 2019.
- The Use of UNIDROIT Principles of International Commercial Contracts: From Skepticism to Confidence, *University of Roma-Tre-UNIDROIT 5<sup>TH</sup> Annual International Arbitration Lecture*, John Beechey CBE September 2018.

ARTICLE

Green Hydrogen in Latin America: Opportunities, Challenges and Effective Dispute Settlement Through International Arbitration

APRIL 12, 2024

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SPEAKING ENGAGEMENT

Winston Co-Hosts SOBAL Reception and Networking Event

FEBRUARY 15, 2024

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SPEAKING ENGAGEMENT

Winston Supports SOBAL Conference 2023

NOVEMBER 30, 2023

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BLOG

Winston & Strawn Launches Fifth Cohort of D&I Associate Sponsorship Program

OCTOBER 19, 2023

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RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 UK* 2024

OCTOBER 4, 2023

Capabilities

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International Arbitration	Commercial Litigation & Disputes	
Government Investigations, Enforcement & Compliance	Energy	Medical Devices
Technology, Media & Telecommunications	Financial Services	