



Timothy Oen

Associate Director, Dispute Resolution & Information Technology

LL.B. (Hons), National University of Singapore (2018)

Admitted to the Singapore Bar (2019)

Admitted as a Solicitor in England & Wales (2023)

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ABOUT TIMOTHY

Timothy is an associate director with the Dispute Resolution & Information Technology team of Drew & Napier (DrewTech). His practice is mainly in commercial litigation and arbitration, information technology and employment law. He regularly assists clients in disputes and disputes avoidance concerning commercial contracts (including provision of software services and sale and purchase of commodities), data protection, and employment issues. The clients he advises and has advised includes both multi-national corporations and SMEs, financial institutions, and private clients both in Singapore and other jurisdictions.

As part of his work with the DrewTech team, Timothy has assisted with advising clients on issues where risk and technology interface, including on cloud computing contracts, terms and conditions to accompany the implementation of mobile applications, breaches of end-user/employee/counterparty confidentiality obligations, implementation of e-signatures at an enterprise level and malware incidents.

Timothy is dual qualified in Singapore and the United Kingdom. He has experience working in London as a solicitor with Locke Lord LLP (now known as Troutman Pepper Locke LLP) in their insolvency and dispute resolution team.

EXPERIENCE

Dispute Resolution and Disputes Advisory

- Successfully acted for a distributor of Caterpillar equipment against a buyer who refused to take delivery of ordered equipment (**Tractors Singapore Ltd v Pacific Ocean Engineering & Trading Pte Ltd** [2021] 2 SLR 47). Successfully acted for the distributor on appeal by the buyer (**Pacific Ocean Engineering &**
- Successfully defended a majority shareholder in an up-and-coming commodities trading firm against an action for minority oppression (**Ronnie See Eng Siong v Sassax Pte Ltd and Anor** [2020] SGHC 96).
- Successfully acted for liquidators in resisting an application by a creditor claiming security over substantial assets of the company in liquidation (**Aavanti Offshore Pte Ltd (in creditors' voluntary liquidation) v BAB Al Khail General Trading and Anor** [2020] SGHC 50).
- Successfully defended a financial services provider of payment processing services in the credit/debit card industry in a dispute involving whether the financial services provider provided payment processing services to the said counterparty (**B High House International Pte Ltd v MCDP Phoenix Services Pte Ltd and Anor** [2023] SGHC 12). Successfully discharged a freezing injunction obtained against the client in the action before trial.
- Defended an Indonesian pulp mill (part of the Sinar Mas group) in a claim brought against it by its Indian piping supplier in the construction of a pulp mill (**Sunrise Industries (India) Ltd v PT OKI Pulp & Paper Mills & anor** [2023] SGHC 3, **PT OKI Pulp & Paper Mills v Sunrise Industries (India) Ltd and another appeal** [2023] SGHC(A) 38).
- Successfully acted for a Chinese state-owned entity in a UK seated ICC arbitration in a claim of about US\$12 million against a Canadian listed company for unpaid fees under a seismic data acquisition contract. Co-ordinating enforcement proceedings in Canada.

Trading Pte Ltd v Tractors Singapore Limited [2021] 4 SLR 44).

- Struck out a claim by a third-party purchaser of utility tokens on a private blockchain against the issuer of the tokens who had forked the blockchain to prevent a fraud perpetuated against it.
- Acting for a major insurance provider in Singapore in a claim against a former financial services consultant in the Singapore High Court.
- Acting for a manufacturer of custom vending machines in a claim against a major waste management company for wrongful termination of a sale and purchase contract.
- Acting for shipbuilder in a claim brought against it by its resident contractor.
- Acting for a technology services provider in a 2024 SIAC arbitration in Singapore in a claim against its subcontractor for the subcontractor's failure to deliver a next-generation payment system of the requisite standard.
- Assisted in a claim brought by a private equity firm in the England and Wales Court against a former director and employee of the target company for, among other things, breach of restrictive covenants and fiduciary duties. An injunction against the former director, which had been discharged by the High Court, was restored on appeal by the Court of Appeal.
- Assisted in a claim brought by two partners in the England and Wales Court against two other partners for breach of the partnership and conspiracy.
- Assisted a client in a tracing exercise before the England and Wales Court. The matter involved obtaining Norwich Pharmacal Orders against various companies and virtual banks.
- Represented a private investor in a claim by another potential investor against the client in respect of the sale of US\$15 million worth of shares. Achieved a satisfactory settlement in mediation.
- Represented a Kenyan company in a breach of contract claim against a Singaporean company arising from a distributorship agreement under which the Kenyan company was given distributorship rights for telephone calling cards in Somalia and South Sudan. Achieved a satisfactory settlement in mediation.
- Represented a SaaS logistics solutions provider in a dispute with a logistics services provider who used the client's software logistics solutions. Achieved a satisfactory out of court settlement.
- Advised a Mongolian company on the prospects of appealing against a tribunal's finding that it had jurisdiction to hear the claims raised in a SIAC arbitration in Singapore.
- Advised a Chinese state-owned entity in various international disputes, including a dispute against a Norwegian counterparty arising out of the supply of seismic data acquisition equipment.
- Advised a major financial institution in respect of claims against the financial institution's technology platform services provider due to inadequate provision of services (in particular, unacceptable service outages).
- Advised a professional trustee in respect of a claims brought by a beneficiary for alleged misrepresentation and breach of trust.
- Advised a liquidator in respect of a claim against a director for breach of director's duties in failing to consider the interest of creditors.
- Advised a technology company specializing in anonymous internet browsing on a cyberattack with a value estimated at US\$4 million.
- Regularly advises a commodities trading firm in the biodiesel space in respect of cargo disputes with its buyers and suppliers. Assisted the same client in a FOSFA arbitration resisting a claim by a Spanish counterparty regarding a contract for the supply of Used Cooking Oil.

Information Technology

- Advised a multinational company in the data centre REIT industry on their rights and obligations under agreements concerning the provision of colocation services for data centre space to protect their interests during the COVID-19 crisis.

- Advised a multinational company on the risks in respect of agreements concerning the provision of enterprise cloud services and Human Resource services (such as payroll administration, benefits administration and HR Information Systems).
 - Assisted a multinational company in the chemical industry to review a contract manufacturing agreement for the manufacture of chemicals by a third party for the client.
 - Drafted distributor and reseller agreements for a multinational client looking to enter the Asian market.
 - Advised a technology start up on regulatory issues in respect of their proposed business model which involved allowing employees to withdraw earned wages before payday.
 - Advised a major financial institution on the risk and regulatory issues arising out of the deployment of a new mobile application and assisting them to review their terms of use.
 - Regularly advises a commodities trading firm in the biodiesel space in respect of transactions with its buyers and suppliers and assisting with contractual negotiations.
 - Advised a major financial institution on a ransomware attack. Assisted in coordinating responses to regulators in various jurisdictions.
 - Advised the Singapore subsidiary of a Japanese listco on a ransomware attack as well as personal data and cybersecurity issues.
 - Advised a department store operator in Singapore, a company listed on the Singapore Exchange, the Singapore subsidiary of a state-owned entity, and various multi-national companies on risks and regulatory issues arising out of ransomware attacks.
- deletion of data on the employee's personal devices without having to resort to Court action.
- Advised various clients on a wide range of employment-related issues, including drafting employment contracts and other employment-related documents, termination of employees (with or without cause), mediations with employees, negotiations with Trade Unions, Work Injury Compensation Act issues, remote working issues, employee misconduct and investigations, restrictive covenants, and breach of confidence by employees.

APPOINTMENTS/MEMBERSHIPS

- Member, Law Society of Singapore
- Member, Singapore Academy of Law

Employment

- Advised a major insurance provider in Singapore in a claim against a former employee for breach of confidentiality upon the termination of the employee's employment. Successfully procured the