



Rakesh Kirpalani
Director, Dispute Resolution & Information Technology
Chief Technology Officer

LL.B. (Hons), National University of Singapore (2006)

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ABOUT RAKESH

Rakesh leads the Dispute Resolution & Information Technology practice at Drew & Napier. He is also the Chief Technology Officer of Drew & Napier. He has an active practice in complex commercial dispute resolution, including litigation and arbitration. He is engaged in appellate and trial advocacy at all levels of the Singapore Courts and also advises on risk management and disputes concerning technology, electronic evidence, employment, compliance with technology-related regulatory issues and cybersecurity.

He has extensive skills and knowledge in the information technology field and manages the interface between legal and technological issues for clients, regulators, judges and arbitrators.

The clients he has advised include various multi-national corporations, multi-jurisdictional private equity funds and listed companies both in Singapore and other jurisdictions.

As a student, Rakesh was a speaker on the winning team that represented NUS in the Manfred Lachs Space Law Moot Court Competition Asia-Pacific Regional Rounds in Sydney, Australia, in April 2005 and went on to represent NUS at the World Finals in Fukuoka, Japan in October 2005 where he appeared before members of the International Court of Justice. He was also the winner of the Law Society Prize for the Best Student in Advocacy in the Postgraduate Practical Law Course in 2006.

Rakesh also teaches advocacy and coaches moot teams at the NUS Law Faculty on a voluntary basis.

EXPERIENCE

Dispute Resolution and Disputes Advisory

- Defended a global financial services company which provided payment processing services in a claim for fraud, conspiracy, breach of trust and successfully discharged a freezing injunction against the same defendants (***B High House International Pte Ltd v MCDP Phoenix Services Pte Ltd & anor*** [2023] SGHC 12)
- 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)
- Acted for a Chinese state-owned entity in a 2022 English law ICC arbitration in London against a Canadian listed company in the field of hydrocarbon exploration and oil speculation.
- 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.
- Acted for a distributor of Caterpillar equipment in a multi-million dollar claim against a buyer who refused to take delivery of ordered equipment. (***Tractors Singapore Ltd v Pacific Ocean Engineering & Trading Pte Ltd*** [2020] SGHC 60)
- 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 & Anor*** [2020] SGHC 96)
- Acted for liquidators in resisting an application by creditors claiming security over substantial assets in the Company in liquidation. (***Aavanti Offshore Pte Ltd (in***

creditors' voluntary liquidation) v BAB Al Khail General Trading and Anor [2020] SGHC 50)

- Acted in a 2017 ICC arbitration in London in a claim by a Chinese state-own entity against an African counterparty for dispute over a seismic data acquisition contract.
- Acted for an Indonesian state-connected financial institution in an investment dispute in an arbitration held under the rules of International Islamic Center for Reconciliation and Arbitration.
- Acted for Celestial Nutrifooods Ltd (in liquidation), an s-chip company listed on the Singapore Stock Exchange, against former directors for breach of directors' duties.
- Acted for Oceanus Group Limited, which is listed on the SGX, in respect of a claim against Oceanus by a creditor, and for Oceanus in its debt restructuring.
- Acted for a Chinese state-owned entity in a high-profile debt claim against companies associated with a wealthy former Australian politician.
- Defended a High Court claim against Performance Motors Ltd by a customer in respect of allegations of a defective BMW car. The claim was successfully dismissed in the High Court. (**Chan Chee Kien v Performance Motors Ltd** [2015] SGHC 54)
- Acted BP Singapore in an action commenced in 2010 against 6 of its former employees for breach of their fiduciary duties and duties of fidelity, and misuse of confidential information.

This matter also involved the execution of Search Orders against the Defendants and the delivery up of images of electronic devices containing evidence in electronic form by the Defendants as well as an injunction restraining misuse of confidential information. (**BP Singapore Pte Ltd v Quek Chin Thean & Others** [2011] 2 SLR 541)

- Acted for an insurance brokerage in a claim for breach of confidentiality and deceit against a sub-charterer of shipping vessels.
- Acted for Schroder Asian Properties Fund ("SAP") and its subsidiary companies in a dispute with Silverlink Resorts Limited (formerly known as Silverlink Holdings

Limited ("**Silverlink**"), the parent company of the Amanresorts group, a chain of luxury resorts. The dispute involved a claim against Silverlink for breach of contract for non-issuance of secured convertible notes and a claim for specific performance or damages. The case involved multiple jurisdictions and various cross-border issues including directors' duties, conflicts of interests, and procurements of breaches of contract. In August 2010, the Court upheld SAP's claim and ordered Silverlink to pay more than USD 32 million in damages. Silverlink subsequently filed and originating summons, which the Court dismissed in January 2011. (**Rockline Ltd & Another v Silverlink Holdings Ltd and another (Schroder Venture Managers Inc. and Another as Third Parties)** [2010] SGHC 127 and **Rockline Ltd & Another v Silverlink Holdings Ltd and another (Schroder Venture Managers Inc. and Another as Third Parties)** [2010] SGHC 251 for the High Court's judgment in the suit, and **Silverlink Holdings Ltd v Rockline Ltd and Others** [2011] SGHC 10 for the High Court's decision in the originating summons)

- Acted for the abovesaid fund and its subsidiary companies in an action against the investee company, the holding company of a chain of leading luxury resorts, and its directors for breach of contract and conspiracy. The dispute was satisfactorily resolved in 2010.
- Acted for the preference and majority shareholders of a company owning the Singapore Flyer in its claim for removal of a director pursuant to the shareholders agreement. The removal was upheld by the Court. (**Purcell Peter Francis v Singapore Flyer Pte Ltd and others** [2010] 3 SLR 1181)
- Defended a major transport company listed on the Singapore Stock Exchange against a multi-million dollar claim by its former subcontractor in relation to vehicle repair services. This case involved issues of alleged breach of contract, negligence and reconciliation of accounts. (**City Ken Pte Ltd v ComfortDeIGro Engineering Pte Ltd** [2010] SGHC 29)
- Acted for reputable financial information services company in an action against

former employees for, among other things, breaching their contractual obligations to their employer, breach of confidence and misuse of confidential information.

- Acted for the shareholders of a reputable local company on disputes on the board of directors and their nominating shareholders.
- Represented and advised an oil major against The Collector of Land Revenue in respect of compensation for compulsorily acquired land.
- Acted for an oil major in a debt recovery matter against a Singaporean shipping company.
- Acted for a subsidiary of a major Japanese conglomerate on a personal injury claim brought by a former employee.
- Acted for a New Zealand company in Singapore in respect of the registration of a New Zealand judgment in the High Court of Singapore and advising in the enforcement of the registered judgment.
- Acting for a reputable distributor/dealer of luxury motor vehicles in claims for breach of contract and misrepresentation brought by a disgruntled customer.
- Acted for a company listed on the Taiwanese stock exchange in an arbitration concerning a shareholders' dispute over a joint venture in the solar panel industry.
- Advised a reputable Singaporean department store on disputes with a former employee.
- Advised a listed Singapore company on its rights and obligations with regard to the termination of an underwriting agreement in respect of raising capital via a rights and warrants issue.
- Advised a distributor of resale high-end automobiles on issues of negligent misrepresentation.
- Advised subsidiaries of a reputable global conglomerate on tenancy and debt recovery matters.
- Advised a major US financial institution on restraint of trade issues in Singapore.
- Advised a UK company on the recognition of a winding up order made by the UK Courts in the Singapore Courts.
- Acted for Asia Pulp & Paper Co. Ltd in connection with notices served on it by the National Environment Agency under the Transboundary Haze Pollution Act.

Information Technology

- Advised the Singapore subsidiary of a Japanese listco on a ransomware attack as well as personal data and cybersecurity issues
- Advised a major Chinese state-owned oil rig company on a ransomware attack as well as personal data and cybersecurity issues
- Advised an Indian data analytics entity on its dispute with its US MNC client in respect of data leakage caused by server misconfiguration
- Advised a reputable insurance brokerage on a potential data breach, personal data and cybersecurity issues, and issues concerning the legality of port scanning
- Acted for a client in a matter involving allegations of fabrication of electronic mails and proving the authenticity of electronic mails.
- Advised and acted for a major media company on its dispute with its system integrator in respect of the deployment of a new media platform.
- Acted for a group of investment companies in an arbitration brought by its information technologies contractor over the failed deployment of its IT systems in a failed joint venture project.
- Advised an insurance major on compliance with Singapore cybersecurity law in offering cybersecurity services.
- Advised an insurance major on compliance with Monetary Authority of Singapore technology compliance regulations.
- Advised and acted for a company listed on the Singapore Exchange on a dispute with its technology service provider concerning migration issues to a new platform.
- Advised a major financial institution on regulatory and risk issues arising out of a significant ransomware attack.
- Advised a major financial institution on risk and regulatory issues arising out of the roll-out of a new app.

ACCOLADES

The Legal 500 Asia Pacific

Labour and Employment
2023 – Recommended
lawyer



Dispute Resolution 2021 –
Recommended lawyer

International Arbitration 2021 –
Recommended lawyer

“Rakesh Kirpalani listens well then offers clear and lucid advice.”

“Rakesh Kirpalani provides expertise in technology-related employment disputes.”

Rakesh Kirpalani is a *“fantastic litigator”* in the realm of technology and intellectual property.

He is *“a person of integrity and he always provides wise, deliberate, and prompt advice.”*

“He is proficient both in English and Chinese, which makes very smooth, thorough, and clear communication. Furthermore, he is skilled in debate and has a clear mind and a wide range of knowledge.”

He *“thinks very fast in the courtroom and is not fazed by any curve ball thrown at him in court.”*

“Rakesh Kirpalani is an excellent lawyer as he is very detailed. Goes the extra mile to provide prompt advice when time is of the essence.”

ALB Asia Super 50 Disputes Lawyers

Recognised as being amongst the top 50 disputes lawyers in the region in 2022



A client praises Rakesh for being *“prompt, clear and concise with his advice”*.

“Rakesh is able to distil the issues quickly and provide timely advice.”

ALB Asia Super 50 TMT Lawyers 2023

Listed as one of the standout lawyers in the field of Technology, Media and Telecommunications in Asia by Asian Legal Business for 3 consecutive years



Rakesh was commended by a client for his *“unique ability to straddle both the tech and legal space”*. *“He is very sharp and is able to identify potential risks and liabilities in novel issues that are caused by emerging technology. He is able to ensure that our leaders can fully comprehend and appreciate the issue, all the while remaining professional and ethical. Rakesh's grasp and understanding of the local TMT landscape never fails to assure us that we are guided by one of the best in the market.”*

A client commended Rakesh saying, *“Rakesh was a safe pair of hands in navigating the technical issues and provided sound advice on which we were able to reach a good outcome and resolution on the matter on which we were working”*.

“Rakesh is fast, practical and solution-based with the ability to achieve a good response combining technical knowledge and legal ability.”

Benchmark Litigation Asia-Pacific (2022 edition)

“Rakesh communicates well both in English and Chinese and always provides feedback promptly. He is familiar with our industry and is quick to get the points and concerns from us.”

“Commercial-minded, practical legal solutions. Keen understanding of clients' business needs and challenges. Thorough analysis and balanced judgment on novel issues, including useful comparisons with legal reform efforts in other common law jurisdictions.”

Asialaw Leading Lawyers

Dispute Resolution 2023 – Distinguished Practitioner

“Rakesh is fluent in both English and Chinese and quite familiar with our industry practice, and works in a highly effective way. He always bestows skilful and valuable advice.”

“He is a very detailed person.”

“Very dynamic and thoughtful lawyer. Takes the time to listen and understand the problem. He proposes solutions that follow the law and have a high chance of success.”

“Prompt, effective and driven.”

“Harding working. Very Smart. Excellent communication.”

“Solid guy. Result-driven and thinks out of the box.”

“Highly responsive, professional, effective and timely.”

“Good option provided, proactive, and problem solver.”

Global Arbitration Review 9th edition (2016)

A client praised Rakesh for his “professional and efficient service.”

Singapore Business Review

Singapore’s 70 most influential lawyers aged 40 and under in 2016 – Listed lawyer

PUBLICATIONS

- Co-author, “Service by airdrop – no parachutes required” (Drewtech Series Chapter 10, 7 July 2022)
- “Of blockchains and stumbling blocks” (Drewtech Series Chapter 9, 21 July 2021)
- “New risks in new skins – Updates to the Guidelines on Risk Management – Technology Risk “ (Drewtech Series Chapter 8, 3 March 2021)
- “My Kingdom for a Horse – When your Systems are Held to Ransom” (Drewtech Series Chapter 7, 22 January 2021)
- “Signing without signing — Contactless contracts” (Drewtech Series Chapter 6, 16 July 2020)
- “Bringing hygiene online — The MAS Notice on cyber hygiene” (Drewtech Series Chapter 5, 28 April 2020)
- “Diabolus Ex Machina - Artificial (Un)intelligence and Liability” (Drewtech Series Chapter 4, 18 February 2020)
- “I Host, You Post, I Get Sued?” (Drewtech Series Chapter 3, 24 September 2019)
- Bring Your Own Device programmes are a win-win, but do the groundwork (The Business Times, 12 July 2019)
- “Employees, Technology And A Legal Hangover – Bring Your Own Problems?” (Drewtech Series Chapter 2, 4 June 2019)
- “The Importance Of An Exit Strategy In Technology Contracts” (Drewtech Series Chapter 1, 6 March 2019)

- Co-author, Chambers and Partners Global Practice Guides – Litigation 2019 (Singapore chapter)
- Co-author, “Presentation of Computer Forensic Evidence”, appeared in the 2012 International Conference on Electronic Litigation, published by the Singapore Academy of Law

APPOINTMENTS/MEMBERSHIPS

- Assessor, Panel of Assessors for COVID-19 Temporary Relief, Ministry of Law
- Member, Law Society of Singapore
- Member, Singapore Academy of Law
- Member, ICC Singapore Enrichment Subcommittee
- Honorary Legal Counsel, Cyber Youth Singapore
- Industry Reviewer, LawTech.Asia's Associate Authorship Programme