

# TIM ELLISS

YEAR OF CALL: 2024

Tim has more than 15 years' experience, most recently leading teams in substantial international commercial disputes.

Prior to his return to Brisbane in 2024, Tim was a partner at a leading commercial dispute resolution firm based in London, where he acted for a diverse range of UK and international clients. With a practice embracing disputes across a broad range of areas, he has a particular focus on those relating to energy and resources, corporate and commercial, and financial services, as well as civil fraud and asset recovery matters. The strong international dimension is reflected by the many cases that involve multi-jurisdictional contexts and the interplay between arbitration and court, with his experience including litigation in the English courts as well as arbitral proceedings administered by the LCIA, ICC, DIFC-LCIA, SIAC and the HKIAC. Tim has also successfully resolved numerous complex and sensitive matters at commercial mediations (where he appeared as counsel).

As a solicitor, Tim has been recognised by the legal directories as a leading English practitioner in Commercial Litigation: Premium, International Arbitration, Civil Fraud and Crypto-Asset Disputes. He has been described as a *"bright and seasoned litigator"* who is a *"pleasure to work with, a deep knowledge of the law and a fine sense of how a court will deal with things"*. His cases have been complimented by various courts and tribunals for the thorough and conscientious manner in which they have been prepared.

Tim started his career at Allens Arthur Robinson in Brisbane where he qualified in November 2008. He worked in Litigation and Insolvency at Allens until 2011, before spending two years at a leading offshore firm. In 2013, Tim joined Enyo Law in London and was a partner between 2016 and 2024. He continues to practice English law through Enyo Law as a senior consultant on appropriate matters.

## AREAS OF PRACTICE

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Appellate, Arbitration, Banking, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, International, Judicial Review & Administrative, Land Law & Property, Professional Negligence, Resources & Energy, Sport.

LEVEL

TWENTY  
SEVEN

CHAMBERS



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## EXPERIENCE

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As a solicitor:

### Commercial Litigation

- Acting for the software developers responsible for maintaining the Bitcoin client software in response to claims brought by Tulip Trading alleging that the developers “control” Bitcoin and therefore owe owners of Bitcoin a fiduciary duty to amend the Bitcoin protocol to allow it to obtain access to \$4bn of allegedly stolen Bitcoin. *Tulip Trading Limited (A Seychelles Company) v Bitcoin Association For BSV & Ors* [2023] EWCA Civ 83; [2023] EWHC 2437 (Ch); [2024] EWHC 1809 (Ch).
- Acting for Chaincode Labs, a Bitcoin research and development organisation, in response to claims by an Australian technology entrepreneur, Craig Wright, who (fraudulently) claimed to be Satoshi Nakamoto (the pseudonymous creator of Bitcoin. *Crypto Open Patent Alliance v Wright (Rev1)* [2024] EWHC 1809 (Ch)
- Acted for Unwired Planet in substantial patent related competition proceedings against Huawei, Google and Samsung. The judgment is the leading case globally on the basis upon which a holder of a portfolio of standard essential patents is entitled to license its patents to global technology companies whilst complying with its FRAND and competition law obligations. *Unwired Planet International Limited v Huawei Technologies Co. Ltd & Ors* [2017] EWHC 1304 (Pat)
- Acting for an individual in a complex trust dispute relating to the rights and obligations of a trustee of a trust imposed over a business pursuant to the *Matrimonial Causes Act 1973 (UK)*
- Acted for an oil refinery in relation to its rights and obligations under a long term offtake agreement
- Acted for a major energy distributor in relation to an LNG project in Latin America.
- Acted for high net worth individual in relation to the estate of his deceased father.
- Acted for the developer and owner of a cryptocurrency wallet in an unfair prejudice petition following his exclusion from the management of the business and misappropriation of the assets of the business by the management. *Re Coinomi: Ntzegkoutanis v Kimionis* [2023] EWCA Civ 1480.
- Acted for an oil major in relation to ESG issues in sub-Saharan Africa.

### International Arbitration

- Acted for PETRONAS in its successful defence of a USD1.14 billion claim for fraudulent misrepresentation and breach of contract arising out of the termination of its investment in a Brazilian offshore oil project. PETRONAS was awarded USD15 million in costs. ICC, Rio de Janeiro Seat, English law.
- Acted for an art investor in an arbitration with a joint venture partner following breaches of a joint venture agreement relating to long-term art investments. LCIA, English law, London Seat.
- Acted for the seller of a financial services business following attempts by the buyer to avoid closing under an SPA due to the alleged occurrence of a MAC during the COVID-19 pandemic. DIFC LCIA arbitration, DIFC seat, DIFC law.
- Acted for two investors in an arbitration with a cryptocurrency exchange regarding a dispute as to the proper allocation of cryptocurrency following the introduction of a new white-paper entitling holders of a cryptocurrency to a new cryptocurrency. HKIAC, Singaporean law, Hong Kong Seat.

### Civil Fraud

- Acted for Gennadiy Bogolyubov in his defence of claims that he and Igor Kolomoisky unlawfully misappropriated in excess of USD10 billion from Ukraine's largest commercial bank, Privatbank, through a fraudulent loan recycling scheme. Enyo is leading the team defending proceedings brought by the Bank in London, Delaware, Israel and Cyprus. *Privatbank v Kolomoisky and Ors*[2019] EWCA Civ 1708; [2021] EWHC 403; [2021] EWHC 580 (Ch); [2021] EWHC 1910; [2022] EWHC 775; [2022] EWHC 868; [2022] EWHC 1445; [2023] EWHC 165; [2023] EWHC 793; [2023] EWHC 1300; [2023] EWHC 1837.
- Acting for a Swiss financial services executive in his defence of fraudulent misrepresentation and unlawful means conspiracy claims in excess of USD50 million claim arising from investment losses caused by the COVID-19 pandemic. *GI Globinvest Ltd & Ors v Faleschini & Ors*[2024] EWHC 481 (Comm)
- Acted for a significant victim of the art fraud perpetrated by Inigo Philbrick, known as the “Madoff of the art world”.
- Acted for a financial services firm in its successful defence of allegations of its involvement in a scheme to defraud an offshore property investor.
- Acted for the former Chairman of Deutsche Bank in his successful defence of claims that he was required to account to a Canadian green energy fund for alleged secret profits of more than USD100 million including hidden interests in South Texan oilfields. *Global Energy Horizons Corporation v Gray*[2019] EWHC 1260 (Ch); [2020] EWCA Civ 1668
- Acted for a cryptocurrency exchange in response to fraudulent dealings on its platform.

## RECOMMENDATIONS

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As a solicitor:

### Who's Who Legal (2022 – 2024):

- Asset Recovery (2022 – 2024): Recommended Lawyer
- Arbitration (2022 – 2024): Future Leaders – Partners
- Commercial Litigation (2022 – 2024): Future Leaders – Partners

### Legal 500 (2024):

Commercial Litigation (Premium): Leading Partner

- “*Tim Elliss is very bright, sensible, down to earth, good judgment*”
- “[...] and Tim Elliss stand out. They all have the whole package. Intellectual rigour, business acumen and innovative on fee structures.”

International Arbitration: Recommended lawyer

- “*Tim Ellis is extremely sharp and provides strategic advice to clients with a big-picture approach to matters that is essential to the complex matters that he handles*”

### Legal 500 (2023):

- *“Partner Tim Elliss has an excellent grasp of both the wider strategy and the detail of the matter, which is very reassuring as you feel in safe hands.”*
- *“Tim Elliss acts in oil and gas, financial services and telecom-related disputes.”*
- *“Tim Elliss is noted for his cross-border expertise.”*
- *“Tim Elliss is a very bright and seasoned litigator. He’s an absolute pleasure to work with and very hardworking, but has a deep knowledge of the law and a fine sense of how a court will deal with things.”*

#### **Legal 500 (2022):**

- *“A very good technical lawyer.”*
- *“Frequently handles international disputes and international arbitration matters.”*

## **CAREER**

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**2024** Barrister, Queensland

**2014** Admitted as a solicitor, England and Wales

**2013 - 2024** Partner (from 2016), Enyo Law (London)

**2011 - 2013** Associate, Babbe Advocates (Guernsey, Channel Islands)

**2008 - 2011** Solicitor, Allens Arthur Robinson (Brisbane)

**2008** Admitted as a solicitor, Supreme Court of Queensland

## **EDUCATION**

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**2007** Bachelor of Laws (Hons II), Griffith University

**2007** Bachelor of International Business, Griffith University

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