



# International Arbitration

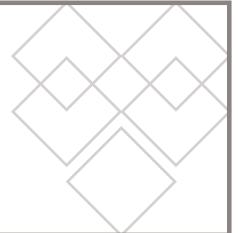
## 2021



PROFILED:

**CHRISTIAN DIPPON**

NERA Economic Consulting



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## International Arbitration



### CHRISTIAN DIPPON

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#### PERSONAL BIOGRAPHY

**Dr Christian Dippon** is a managing director at NERA and a leading authority in complex litigation disputes and competition matters in the communications, internet and high-tech sectors. He is also chair of NERA's global energy, environment, communications & infrastructure (EECI) practice, where he leads over 100 experts in the areas of energy, communications, media, internet, environment, auctions, transport and water. Dr Dippon advises his clients in economic damages assessments, class certifications and damages, false advertising, antitrust matters and regulatory issues. He has extensive testimonial and litigation experience and routinely testifies before US and international courts, arbitration tribunals and regulatory authorities.

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### Q&A WITH CHRISTIAN DIPPON



#### **Looking back, have you fulfilled the ambitions and aspirations you set for yourself early in your career?**

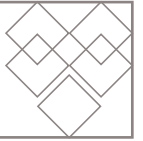
◆ I consider myself lucky to have surpassed the ambitions and aspirations of my younger self, some 25 years ago. I have had the privilege of participating in regulatory and policy debates and testifying in legal disputes in areas that have fundamentally influenced the social fabric of our society. My work has allowed me to witness how societies in more than 25 countries have transitioned from state-owned monopoly landline voice services to the plethora of communication services available today. It has shown how private investments in mobile wireless infrastructure and internet backbones have fundamentally transformed society. I was fortunate to work on the socially critical issues of whether internet providers should be permitted to prioritise communication traffic, known as net neutrality, how consumers select mobile wireless services, and whether markets need many providers to offer competitive retail prices. I particularly enjoy helping courts and tribunals solve complex litigation disputes in these areas.

#### **What strengths and characteristics do you, your team and your firm strive to demonstrate to clients?**

◆ NERA offers its clients advanced economic thinking and techniques, deep industry expertise and concise and clearly written reports. NERA's economic assessments solve the problems faced by our clients in legal disputes, regulatory proceedings and policy debates. Our work is entirely fact-based and the product of economic analysis. Our clients value that we understand the industries in which we apply our economic training. Understanding the market and technological aspects of an industry is critical in performing a robust economic assessment. The economic literature differs across industries and the analytical framework often is contingent on the specific market conditions. We present

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our findings to audiences that often do not have a background in economics. Thus, we explain our work in clear terms without compromising the intricacies of our assignment. We are proud of the combination of cutting-edge economics, industry expertise and clear writing as it offers our clients a unique value proposition.



**Reflecting on your area of expertise, how do you see this sphere of the market shaping up over the coming months? Are any exciting trends or developments on the horizon?**

◆ My practice focuses on the economics of the telecommunications, internet and media sectors. The COVID-19 pandemic has highlighted the importance of these sectors, as society has grown even more dependent on broadband internet access, mobile connectivity and media information. The prominence of digital information has raised concerns among regulators and politicians as to whether the relevant economic markets are competitive. They also question whether access to these services is affordable. This raises interesting economic questions that will lead to lively debates. Regulators must conduct proper economic analyses to assess competition in the relevant markets. The often-rudimentary analyses that have been performed stand to seriously harm investment in telecommunication infrastructure and deployment. Regulators must also recognise that the competitive process does not necessarily guarantee affordability and that society, and not market participants, are responsible for ensuring that its members have access to these services. ■

**“THE PROMINENCE OF DIGITAL INFORMATION HAS RAISED CONCERNS AMONG REGULATORS AND POLITICIANS AS TO WHETHER THE RELEVANT ECONOMIC MARKETS ARE COMPETITIVE.”**

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  REPRESENTATIVE ENGAGEMENTS

- ◆ Assisted a Central Asian government in an ICSID arbitration with an investor into the country's mobile wireless sector, by examining claims of unjust and discriminatory treatment and business case expropriation and examining the claimant's quantum of damages claim.
- ◆ Assisted a US investor in its ICSID arbitration against Mexico, involving the expropriation of the claimant's mobile and fixed line investments in the country, by quantifying the economic harm.
- ◆ Examined the claimant's quantum of damages claim and testified before an ICC tribunal on behalf of an electronics manufacturer in a multinational commercial dispute involving allegations of supply contract breaches for flat-panel TVs.
- ◆ Assisted a French satellite provider in its ICSID arbitration against Mexico, involving allegations of unfair and unequitable treatment with respect to the provision of free satellite capacity to Mexico, by quantifying the economic harm.

