



محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad Al Thani,
Emir of the State of Qatar

Neutral Citation: [2021] QIC F (1)

IN THE CIVIL AND COMMERCIAL COURT
OF THE QATAR FINANCIAL CENTRE
FIRST INSTANCE CIRCUIT

27 January 2021

CASE No. CTFIC0022/2020

BETWEEN:

AMBERBERG LIMITED

Claimant

v

AYCAN RICHARDS

Defendant

JUDGMENT

Before:

Justice Frances Kirkham

Justice George Arestis

Justice Ali Malek QC

ORDER

1. The Claim is dismissed.
2. No order as to costs.

JUDGMENT

1. The Claimant company describes itself as the sole, 100% shareholder of International Financial Services (Qatar) LLC (“IFSQ”). It issued a claim on 17 December 2020 against the Defendant, who lives in Doha and who was at one time both a shareholder in IFSQ and that company’s CEO. In the claim form, the Claimant alleges that the Defendant undertook “*unlawful actions and manipulations towards IFSQ and new shareholders*”. It asks the court, amongst other matters, “*to enforce the investor rights and protection under QFC Rules*” and to require the Defendant “*to stop any malpractice towards its IFSQ business or any of the firm’s assets*”.
2. On 31 December 2020 the Defendant issued an application for summary judgment against the Claimant on two grounds, namely (1) that this Court has no jurisdiction to deal with this claim and, subject to that jurisdiction challenge, (2) that the Claimant’s claims are not legally recognisable claims and amount to no more than an attempt to avoid IFSQ’s obligations in case CTFIC0011/2020.
3. The Court issued directions permitting the parties to file further written submissions and indicated that, unless either party sought a hearing, the Court would proceed to deal with the jurisdiction issue on the basis of the documents filed by the parties. The Court also directed that it would deal first with the jurisdiction claim before proceeding to deal with the case on its merits.
4. Both Claimant and Defendant have confirmed that they have filed all submissions and evidence on which they rely in relation to the issue of jurisdiction and agreed that the Court could proceed to deal with the jurisdiction issue on the basis of the filed papers and without a hearing.
5. Mr Rudolf Veiss filed a statement on behalf of the Claimant in response to the Defendant’s application for summary judgment. Mr Veiss does not identify his relationship with the Claimant company or state by what authority he files that statement, though in her statement the Defendant describes him as the Claimant’s beneficial owner and director. In his statement Mr Veiss stated that the Claimant had acquired IFSQ on 28 November 2019. He referred to a

written agreement of that date made between various parties, including the Claimant, concerning the Claimant's acquisition of the IFSQ shareholding. The Defendant is not a party to that agreement.

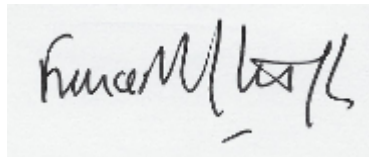
6. The Claimant appears to be a company registered in Tortola, British Virgin Islands. It acknowledges that it is not itself registered within the State of Qatar. Its case is that the Court has jurisdiction because IFSQ is registered in the QFC so, as the sole, 100% shareholder of IFSQ, the Claimant "*therefore is entitled to the investor protection rights with Qatar Financial Centre framework within the State of Qatar.*"
7. Article 9 of the QFC Civil and Commercial Court Regulations and Procedural Rules sets out the rules as regards the jurisdiction of the Court (see also QFC law No. 7 of 2005, Article 8).
8. Article 9.1.4 provides that the Court has jurisdiction in relation to:

"Civil and commercial disputes arising from transactions, contracts or arrangements taking place between entities established within the QFC and residents of the State, or entities established in the State but outside the QFC unless the parties agree otherwise."

9. The Claimant is a separate legal entity. It has not explained the legal basis for its claim that, by reason of its being the sole shareholder of IFSQ, the Claimant has any right to enjoy the jurisdiction of the Court, nor has the Claimant provided any authority to support its case.
10. The Claimant is not an entity established in the State of Qatar or in the QFC. The fact that the Claimant is the sole shareholder of a QFC company does not bring it within the scope of Article 9.
11. In its written submission, the Claimant refers to shareholder disputes, and seeks to rely on the terms of the 28 November 2019 agreement to support its case that the Court has jurisdiction. It has not, however, explained how it is said that an agreement to which the Defendant was not a party or how the subject of that agreement, namely the transfer of IFSQ shares to the Claimant, have any bearing on the question of jurisdiction.

12. The Court, having considered the submissions, concludes that it has no jurisdiction with regard to this claim.
13. The court makes no decision or order in relation to the substantive issues.
14. The claim must be struck out forthwith and is, therefore, dismissed. The Court makes no order as to costs as the Defendant has not sought to recover any.

By the Court,

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Frances M. Kirkham".

Justice Frances Kirkham

