England and Wales High Court (Commercial Court) Decisions

Neutral Citation Number: [2022] EWHC 2087 (Comm)

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION OF THE COURTS OF ENGLAND AND WALES
COMMERCIAL COURT (QBD)
IN THE MATTER OF THE ARBITRATION ACT 1996
AND IN THE MATTER OF AN ICC ARBITRATION

Claimant	21st Century Fox America, Inc.
Claimant in the arbitration	Broad Cast of Media, Inc. Broadcast Cast Limited Broadcast Cast Holdings Limited Broadcast Cast Holdings II Limited
Defendant	**FIFA**
Defendant (Respondent in the arbitration)	**FIFA Media Limited**
Claimant	**Sevens Rugby UC and Hilton Worldwide Intermediate Holdings Limited (formerly Hilton Worldwide Holdings Limited)**
Claimant in the arbitration	**Sevens Rugby UC and Hilton Worldwide Holdings Limited (formerly Hilton Worldwide Holdings Limited)**
Defendant	**KCB SHIBUYA CO., LTD**

Hearing dates: 20 July 2022

HTML VERSION OF JUDGMENT

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Mr William Hoyt:

1. This appeal relates to claims made by the Claimant ("FIFA"), which is a trade body headquartered in Milan regulated by the Swiss Financial Services Authority, against the Defendant ("KCB"), which is a Korean sportswear company. The parties entered into a sponsorship agreement in 2014 (the "Agreement") which provided for a sponsorship of the Defendant's Rugby Sevens team (the "Team") as part of the Arbitral Tribunal dated 1 September 2015 ("Rugby Sevens") which ceased in 2017 and which FIFA contends that KCB breached by failing to make payments of sums exceeding $120 million. The Agreement contained a clause which provided that any dispute arising in respect of both questions that the Tribunal decided in KCB's favour. The Tribunal's decision was upheld on appeal to the Court of Appeal: [2021] EWCA Civ 1 ("the Tribunal's Decision"). Rugby Sevens sought to claim damages for breaches of contract and fraudulent misrepresentation. The Tribunal's