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## General

I am a senior Lecturer in Construction Law and Dispute Resolution at Liverpool John Moores University. Before moving to LJMU, I worked as a lecturer in Law at the School of Law and Criminology, University of Derby from September 2012 to December 2015. Prior to Derby, I worked at Department of Philosophy, University of Oxford. At Derby, I was a program leader for CIARB accredited program on International Commercial Arbitration and taught commercial law subjects mainly intellectual property law, commercial theories, international trade law, International Commercial Arbitration and International Investment Law in master's level. My research is focused on the interaction between science, society and the law mainly from the perspective of ethics, and human rights. Recently my work has focused more on the Intellectual Property within the WTO system and its interaction with International Human Rights Framework and issues of sustainability such as food sustainability, sustainability of the scientific innovation etc. I tie the issue of intellectual property with the sustainability and human rights. I also work as an independent Freelance Arbitrator where the issues are related to Patent, Trademark, Copyright and international investment disputes. I have been chair arbitrator in many cases including *Singha AG Zurich*, *British Van Heusen*, *Coca Cola*, *Carillian Construction* etc. I have been serving as an adjudicator and mediator in many construction disputes since 2019.

### 1. Name

Upadhyay, Yog Dr.

### 2. Qualifications

- PG Cert (Teaching and Learning in Higher Education) 2018, Liverpool John Moores University.
- Ph.D (North-South conflict in Plant Intellectual Property under the TRIPS/WTO), University of Sheffield, (2011).
- LL.M (Commercial Law), Tribhuvan University (Nepal), (July 1999)
- LL.B, Tribhuvan University (Nepal), (December 1995)
  
- Professional qualification(s),
  - Advocate – Nepal Bar Council, November 1996.
  - Arbitrator – Member Chartered Institute of Arbitrators, London
  - **FREELANCE ARBITRATOR WHEN THE DISPUTE IS Construction or INTELELCTUAL PROPERTY. I have served as an arbitrator in more than 20 cases since 2001. Some of the disputes were State Investor disputes under ICSID (Government of Jordon, 2014 and few more)**

### 3. Membership of Professional Bodies and Learned Societies

- Fellow – Higher Education Academy (FHEA – May 2, 2014)
- Society of Legal Scholars, January 2014- Member
- ICC, International Court of Arbitration, Paris France, Court Member (9<sup>th</sup> November 2001- 31 Dec 2003)
- Society of Construction Law (London – 2016)

### 4. Career details

- Senior Lecturer in Construction Law and Dispute Resolution, LJMU
- Trustee and Governor – Liverpool John Moores University
- Member of Academic Board – Liverpool John Moores University
- Member – University Research Ethics Committee, Liverpool John Moores University
- Member of Peer Review Collage, ESRC and Global Challenge Research Fund (2016 onwards)
- Internal member of Validation Panel for new courses at LJMU
- Lecturer in Law, School of Law and Criminology, University of Derby (2012 – 2015)
- Founder – University of Derby Law Journal
- Program Leader LL.M Program, University of Derby (2014 to 2015)
- Member – LL.M programme committee (Derby 2012-2015)

- Member – Faculty Research Degree Committee (Decides on research degree applications and progression. I have been chair of the Faculty Research Degree Committee in many occasions) (2012-2016)
- Member of Curriculum validation Panel –Liverpool John Moores University, University of Derby
- Member of the University Governing Body – University of Derby until 2015
- External Member – University Research Ethics Committee, The Uni of Sheffield (2016 to 2019)

### **Most recent Teaching**

I have been recently teaching modules in construction law and construction dispute resolution. I have taught Research Methods, Commercial Theories, Intellectual Property, Cyber Law, Data Protection Law, International Economic Law (The WTO), International Investment Law, International Commercial Arbitration, Information and Communication Technology Law, National and International Sale of Goods and International Banking and Finance Law in the LL.M program. I was module leader for Intellectual property, international economic law, international trade law and international commercial arbitration at Derby. I had redesigned international commercial module, which was accredited by the Chartered Institute of Arbitrators for the period of 2015 - 2018. I also taught sustainable business law, contract, comparative jurisprudence, administrative law and human rights and intellectual property in the undergraduate level. My teaching contribution in the sustainable business law is normally within the area of letter of credit, sales of goods, dispute resolution and international contract and issues of Patent, Trademark and copyrights in the context of digital age.

I have supervised four doctoral research student in the area of intellectual property in digital environment, Margin of Appreciation Doctrine in ECHR, environmental liability, medical law etc. I have supervised a number of LL.M dissertations in various areas including, International Human Rights, Intellectual Property, The WTO DSM, Ecocide, Commercial Arbitration, Conversion of law and international investment law. I am currently supervising a PhD student who is working in “Effective of Adjudication in construction dispute resolution in particular to the delay and damages” and another PhD student who is working in “adversaries in construction and the role of Good Faith clause in construction contract”

I was involved in developing a joint honors degree – JH International relations and diplomacy”, in which I owned 4 modules, International dispute resolution, international economic relations, contemporary issues in international politics and international security (which included Cyber threat and security). I act as an external examiner for University of Hertfordshire and University of Law in their LPC, LLB and LL.M program, where I look after Intellectual Property, Privacy, Data Protection, Ecommerce Law, Medical Law and also the International Commercial Arbitration. I have been involved as an external adviser for ecommerce law and international banking at Hertfordshire.

### ***Innovations and Initiatives in Learning, Teaching and Student Experience***

“Hands on” approach of PHD supervision: Treading the balance between Independence and Interference while supervising a higher degree research – It is a project I took for Faculty research committee in the University of Derby in 2013

### ***External examining experience,***

- **External Examiner at University of Law, UK for Intellectual Property, International Arbitration and Commercial Dispute Resolution modules ( LPC and LL.M.)**
- **External Examiner at University of Hertfordshire UG and PG (Intellectual Property, Ecommerce Law, commercial Arbitration, international trade law, international economic law, media law, medical Law and data protection)**
- **External Examiner – Leicester Demontford University, International Commercial Arbitration, International Food Law, International Energy Law.**

### **○ *For research degree(s) and/or higher degree (s)***

- Dr. Katerina Georgeodou (2014), PhD, University of Derby- Internal examiner. We agreed that I approve the minor corrections as internal examiner.
- 2 PhD examination at University of Bedford as an external and 1 PhD examination at The University of Edinburgh School of Law

### **• AW ARDS**

- Tuition fee Award, University of Sheffield
- Research Bursary, University of Sheffield

January 2004 – January 2009  
January 2006

- University Scholarship, Tribhuvan University, Nepal (For LL.M Study) January 1997 – January 1999
- University Scholarship, Tribhuvan University, Nepal (For LL.B) January 1992 – January 1995
- Gold Medal – National Moot-Court Competition, Tribhuvan University, Nepal 1995

## 7. Knowledge Transfer and Professional Practice

- **Validation Panel Member** – Partnership between **Trent Global College of Singapore** and Liverpool John Moores
- **Validation Panel Member** – Validation panel for partnership between **Imperia College of Technology, Malaysia** and the Liverpool John Moores University.
- Validation Chair and Panel Member for various courses at University of Derby.
- External Member for course validation at Demontford University .
- **Sustainable Intensification of Agriculture, DEFRA UK (Project funded by Defra investigating legal aspect of sustainable intensification 2012-2014, Value £98,970.00 )**
- National Biotechnology Policy of Shri Lanka.
- Liability and Redress on the coexistence of Genetically Modified and Non modified food in Europe 2006 (For industry group) - Helped Industry group in proposing the industry fund for liability arising with the use of Living Modified Organism

### Other Professional Involvement

- **International chamber of Commerce, Asia (ICC Asia) , 7<sup>th</sup> floor Hong Kong Club Building, 3A Charter Road, Hong Kong SAR**  
**Consultant** **March 2001 – October 2001**  
 Research Support for promotion and development of Arbitration especially in South Asia. I promoted the idea of small claim arbitration. Later on, I was involved in the small claim arbitration guidelines working group which developed a ICC Small claim guidelines.
- **Nepal Chamber of Commerce, Kathmandu, Nepal.**  
**Legal adviser.** **Jan 1997 – December 2000**  
 Provided legal advises in various issues.
- **Prof. Dhruva Bar Singh Thapa & Associates / Legal Research Associates, Kathmandu Nepal**  
**Associate / Advocate .** **Jan 1996 - Sep 2000**  
 Advised national and international clients in various legal issues especially on Intellectual property law (Patent and Trademark related issues). Prepared claims, submissions and represented clients in Court of law and Arbitration Tribunal. Conducted in-depth research in various legal questions on behalf of the firm. Represented in couples of Trademark and patent related disputes in Nepalese Courts and Arbitration Tribunals in New Delhi, India and Hong Kong SAR. Drafted numbers of technology transfer agreements involving issues of Patent and Trademarks.

## 8. Some Selected Publications

- Aderibigbe A, Umeokafor N, Umar T, Upadhyay Y, **IMPACT OF CORRUPTION ON ACHIEVING SUSTAINABLE DEVELOPMENT GOALS WITHIN AFRICA'S CONSTRUCTION INDUSTRY** Jan 2024 World Construction Symposium 544-554
- Mahyoub M, Ataby AA, Upadhyay Y, Mustafina J (2023) AIRBNB Price Prediction Using Machine Learning
- Aich P, Ataby AA, Mahyoub M, Mustafina J, Upadhyay Y (2023), Automated Plant Disease Diagnosis in Apple Trees Based on Supervised Machine Learning Model
- **Upadhyay Y (2025)**, Legal Challenges in Construction 4.0, Journal of Construction automation.
- **Upadhyay Y (2020)**, Contractor's right to suspend work for Non-Payment after Trant Vs. Mott MacDonald, SCL Journal.

- **Upadhyay Y.(2019)** Influential Factors of Life Cycle Management in Operational Education PFI Projects in the UK (With James Hartwell), Built Environment Project and Asset Management , BEPAM, 2019
- **Upadhyay Y, (2019)** The Building Information Modelling (BIM) and the Intellectual Property : Issue of ownership in collaborative BIM model, Construction Law Journal.
- **Upadhyay Y. (2016)** *Protection of Himalayan Biodiversity (Book Review)* , [Asian Journal of International Law](http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8829724) / Volume 3 / Issue 01 January 2013, pp 190-192, <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8829724>
- **Upadhyay, Y (2007)**, *Negotiating Liability Under Biosafety Protocol*, *Int. J. Liability and Scientific Enquiry*, Vol. 1, Nos. 1/2, pp.1–9. 2007 [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1932164](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1932164)  
(This Article has been included as one of the training resource material for Negotiating party by Biosafety clearing house of CBD.)
- **Upadhyay, Y (2006)**, *Liability Under Biosafety Protocol*, *Business Law: Present and Emerging Trends*, Kirkegaard, S. (ed), Association of IT Lawyers, ( ISBN87-991385-0-6) 2006
- **Booth S, Sethe S, Townend D, and Uphadhyay, Y (2004)** Legal Issues in Creating an Advanced Systematic Documentation, Information and Communication Tool in the Field of Science, Technology and Research (ASTER) (Annex 3a of no 23 above) 64 pages (20,500 words). (My part within this report was in conflict of laws. I prepared the draft of my section, which was finalised by Mr. David Townend)
- **Upadhyay, Y**, “Protecting Traditional Knowledge under Multilateral Framework”, Global Integrity group meeting, Dalhousie University, Halifax Canada, June 25, 2007. (*Invited Paper*) 2007
- **Upadhyay, Y.** North-South Conflict in Agriculture Bioethics, Paper presented in the Annual PFGS colloquium at University of Cardiff, UK August 31 – September 1, 2005.

#### **FORTHCOMING PUBLICATIONS.**

- **International Plant Intellectual Property, Earthscan 2025.**
- **Construction Contract Law, Oxford University Press (In progress)**
- **Regulation of Artificial Intelligence, Cambridge University Press (2026)**
- Legal Interest in Digitisation and Automation of construction Industry, (**Accepted for Construction Law Journal Volume 38 Issue 7**, Sweet and Maxwell)
- Legal issues on use of blockchain in international construction payment: A Survey of English legal framework, (Submitted at Construction Management and Economics, Taylor and Francis ) – Under Review
- Use of Artificial Intelligence in Construction dispute: Are we ready for it ? Submitted at Construction law International for Vol 17 no 4)- Under review
- Extension of Copyright Law in architectural expression : the case of signature realty Vs. Frtis Development Limited (Case note – under review)
- Designer Liability on service provided for free : can we ignore the economic aspect of workmanship ? (Under review)