Russian court imposes anti-arbitration injunction on Google Ireland Ltd (Commercial Court of Moscow)

by ***Practical Law Arbitration***, with ***Kulkov, Kolotilov & Partners***

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In *Case No A40-189091/2025*, the Commercial Court of Moscow issued an anti-arbitration injunction to restrain the continuation of an AAA arbitration, in which Google Ireland Ltd sought to prevent Google LLC (Russia) and its insolvency manager from initiating or continuing separate disputes in Russian insolvency proceedings. Non-compliance with the injunction could lead to the imposition of a penalty of about USD800 million.

Maxim Kulkov (Managing partner) and Maria Ivanova (Associate), Kulkov, Kolotilov & Partners

The Commercial Court of Moscow has issued an anti-arbitration injunction to restrain Google Ireland Ltd (GIL) from continuing an AAA arbitration.

The insolvency manager of Google LLC (GLLC), Google's Russian subsidiary, brought claims before the Russian courts, as part of GLLC's insolvency proceedings, to challenge certain deals and bring beneficiaries to subsidiary liability. In reliance on an arbitration clause, GIL commenced AAA arbitration, seeking an anti-suit injunction to forbid GLLC and its insolvency manager from initiating or continuing the Russian proceedings.

In response, GLLC applied to the Commercial Court of Moscow for an anti-arbitration injunction restraining GIL from continuing any AAA proceedings.

Relying on article 248.2 of the Russian Arbitrazh Procedural Code (APC), the court granted the application and imposed an anti-arbitration injunction on GIL, with a penalty for non-compliance of about USD800 million. Article 248.1-248.2 of the APC allows the Russian courts to assume jurisdiction, notwithstanding any arbitration agreement, in sanctions-related cases. The court stated that:

- Although GLLC is not itself sanctioned, it will be deprived of access to justice abroad and it cannot, in any case, pay the arbitration or legal costs, due to its insolvency.
- GLLC's insolvency was caused by its parent companies' compliance with "anti-Russian sanctions", which confirms that the separate insolvency disputes are sanctions-related proceedings.
- Russian courts have exclusive jurisdiction to consider insolvency-related disputes, meaning that the arbitration clause is unenforceable. GIL committed an abuse of process by commencing and continuing the AAA proceedings in these circumstances.

This case was the first known instance of a Russian court holding that a party's inability to pay arbitration fees and expenses by reason of its insolvency is sufficient to establish a deprivation of justice, which in turn serves as a ground for applying article 248.2 of the APC.

Further, the decision confirms that Russian courts will enforce their exclusive jurisdiction over cases involving an insolvent Russian party based on Russian insolvency law. It may be that reliance on insolvency law to establish the jurisdiction of the Russian court will increase the chances of such Russian judgments being recognised abroad, as compared to those decisions where jurisdiction was based on the Lugovoi Law (*article 248.1*, *APC*), as this latter ground is not accepted internationally.

Case: Case No #40-189091/2025 (Commercial Court of Moscow) (27 October 2025).

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