

VIAC – Questionnaire for Arbitrators

1. **Name:** *Dr. Veit ÖHLBERGER, M. Jur.*

2. **Citizenship:** *Austrian*

3. **Contact information:**

c/o DORDA Rechtsanwälte GmbH

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4. **Current position:** *Partner at DORDA*

5. **Education:**

1998: Course on English law, London School of Economics, UK

2002: Master of Laws (Mag. iur.), University of Vienna, Austria

2004: Master of European and Comparative Law (M. Jur.), University of Oxford, UK

2004: Doctor of Laws (Dr. iur.), University of Vienna, Austria

2008: Course on Chinese law, Renmin University, PR China

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?
36 arbitrations (mostly international) under Vienna Rules, ICC Rules, CIETAC Rules and UNCITRAL Rules and ad hoc.
- How often have you acted as Chairman?
- How often have you acted as Sole Arbitrator? *2*
- How often have you acted as Co-Arbitrator? *3*
- How often have you acted as Counsel? *22*
- How often have you acted in a different function (e.g. Administrative Secretary)? *9*

7. **Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

Recent publications include:

- *Iura Novit Curia and the Non-Passive Arbitrator: a Question of Efficiency, Cultural Blinders and Misplaced Concerns About Impartiality, in Klausegger et al. (eds.), Austrian Yearbook on International Arbitration 2016, 101*
- *Schiedsverfahren in China: Besonderheiten und Aktuelles aus Peking und Shanghai, in Kaminski (ed.), Wen versus Wu – Streit und Streitschlichtung, Krieg und Frieden in der chinesischen Tradition und Gegenwart (2016) 151 [article on recent changes in the legal arbitration framework in China]*
- *Vienna Perspective, Mealey's International Arbitration Report (together with Christian Dorda) [since 2010 annually published commentaries on arbitration-related Austrian court decisions; most recently in 2014/12 Mealey's International Arbitration Report 21].*

- *Schiedsverfahren in China: Rechtliche Rahmenbedingungen, Besonderheiten und jüngste Neuerungen*, in Kaminski & Kreissl (eds.), *Mit der Dornenkrone und dem Schwert - Das chinesische Rechtswesen* (2013) 223 [article on legal framework, particularities and recent changes regarding arbitration in China].
- *Die neue Schiedsordnung der CIETAC*, 2012 *ecolex* 487 [article on 2012 CIETAC arbitration rules]
- *Durch Schiedsinstitution beglaubigte Kopie des Schiedsspruchs genügt*, 2012 *EvBl* No 9 [Case note on Austrian Supreme Court decision on requirements of enforcement of foreign arbitral award in Austria]
- *Vollstreckung ausländischen Schiedsspruchs trotz eingeschränkter Beratung der Schiedsrichter, fehlender Unterschrift und Nichtvorlage von Sondervotum*, 2011 *ecolex* 1016 [Case note on Austrian Supreme Court decision concerning the deliberations of arbitrators, missing signatures on awards and dissenting opinions]
- *How Confidential Is Arbitration in Austria? A Comparative Analysis*, in *Austrian Yearbook on International Arbitration* 2011, 65
- *Zur (Nicht-)Anwendung schiedsrechtlicher Verbraucherschutznormen in ausländischen Schiedsverfahren*, 2010 *ÖJZ* 188 [Case note on an Austrian Supreme Court decision regarding consumer protection and arbitration]
- *Zu den Formvoraussetzungen der Vollstreckung ausländischer Schiedssprüche nach dem New Yorker Übereinkommen*, 132 *JBl* 62 (2010) [Case note on an Austrian Supreme Court decision regarding the enforcement of foreign arbitral awards]
- *China-Related Contracts: What to Consider When Agreeing on CIETAC Arbitration*, in *Austrian Arbitration Yearbook* 2009, 371
- *Sind Schiedsklauseln in GmbH-Gesellschaftsverträgen noch möglich?*, 2008 *ecolex* 51 [Article on arbitration clauses in articles of association of Austrian companies]
- *Rendering of the Award by Multipartite Arbitral Tribunals - How to Overcome Lack of Unanimity?*, in *Austrian Arbitration Yearbook* 2008, 371 (co-authored with Christoph Stippl)
- *Vollstreckung ausländischer Schiedssprüche in Österreich und deren Formvoraussetzungen nach dem New Yorker Übereinkommen*, 5 *German Arb. J.* 77 (2007) [Article on the enforcement of foreign arbitral awards in Austria]

Recent teaching and speaking engagements include:

- *ARS – Akademie für Recht, Steuern & Wirtschaft, Vienna, Austria* (one of the largest Austrian seminar providers): regular speaker on international contracts, arbitration and enforcement issues (e.g., most recently on 28 June 2017 and 4 & 5 April 2017)
- *ICC, Vienna, Austria*: regular speaker arbitration-related and China-related seminars (e.g., most recently on 23 February 2017 and 16 February 2017)
- *DORDA client seminars*: regular speaker
- *IMH Konferenzen & Seminare, Vienna, Austria*: "Rahmenverträge im Einkauf" (20 & 21 June 2017)
- *UIA Annual Congress 2015, Budapest, Hungary*: "Conflicting Arbitral Awards and Judgments" (30 October 2016)
- *University of Applied Sciences FH Joanneum, Graz, Austria*: Lecturer on Chinese Business Law (including arbitration) (2011-2015)
- *UIA Annual Congress 2015, Valencia, Spain*: "Iura Novit Curia and Due Process in Arbitration" (29 October 2015)
- *Ministry of Justice, Vienna, Austria*: "Schiedsverfahren in China: Besonderheiten und Aktuelles aus Peking und Shanghai" (20 October 2015) [presentation on arbitration in China, its special features and arbitration-related developments in Beijing and Shanghai]
- *China Young Arbitration Group (CYAG), Beijing, PR China*: "Introducing the Vienna International Arbitration Center and its Rules" (17 October 2014)
- *VIAC Asia Roadshow*: in Hong Kong SAR and Beijing (PR China) on financial disputes resolved in arbitration (14, 15 and 17 October 2014) and in Seoul (South Korea), Beijing and Shanghai (PR China) on interim measures in arbitration and enforcement of awards (8 October, 10 October and 11 October 2012).
- *Modul University Vienna, Austria*: Lecturer on International Dispute Resolution (2010-2011)

- *ICC YAF & YAAP Conference, Vienna, Austria: "Due Process and Right to be Heard – Ensuring Enforceability of Arbitral Awards" (16 April 2011)*
- *Vienna Arbitration Days, Vienna, Austria: "State Entities in Commercial Arbitration" (12 February 2010)*

Other recent activities:

- *Regularly advising clients on drafting and validity of arbitration agreements*
- *Regularly representing clients in proceedings on enforcing and challenging arbitral awards*

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

- *Secretary of the Steering Committee of the International Arbitration Commission of the Union Internationale des Avocats (UIA) (since 2013)*
- *Listed on various panels of arbitrators (e.g., VIAC, DIS, KLRCA)*
- *Active member of various arbitral organizations, such as:*
 - *ArbAut and Young Austrian Arbitration Practitioners (YAAP)*
 - *ICC Young Arbitrators Forum (ICC YAF)*
 - *DIS*
 - *ASA*

9. Languages

Mother tongue: *German*

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): *German, English*

10. In which legal system have you trained? *Austria, England, PR China*

11. What is your main jurisdiction of practice? *Austria*

12. Special expertise or specializations (please list a maximum of three):

- *International commercial contracts, with a special focus on:*
 - *distribution: agency, distributorship and franchise*
 - *sales (also CISG) and supply*
 - *contractual joint ventures*
- *Corporate disputes (in particular: post M&A, incorporated joint ventures and shareholder disputes)*
- *China-related disputes*

13. Date of birth: *3 March 1978*

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Date and signature: *1 September 2017*