

VIAC – Questionnaire for Arbitrators

1. Name: Draetta Ugo

2. Citizenship: Italian

3. Contact information:

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4. Current position: Former Professor of International Law, Catholic University of Milan, Arbitrator

5. Education: PHD in International Law; Graduation from the Academy of American and International Law, at the International and Comparative Law Center, University of Texas at Dallas – South-Western Legal Foundation (1976).

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

Arbitrations under ICC Rules: 29

Arbitrations under CAM Rules: 17

Arbitrations under VIAC Rules: 3

Arbitrations under DIAC Rules: 1

Arbitrations under Madrid Rules: 1

Arbitrations under IAA Rules: 1

Arbitrations under AAA/ICDR Rules: 1

Ad Hoc Arbitrations including UNCITRAL: 6

- How often have you acted as Chairman? 7 arbitration proceedings

- How often have you acted as Sole Arbitrator? 2 arbitration proceedings

- How often have you acted as Co-Arbitrator? 40 arbitration proceedings

- How often have you acted as Counsel? 10 arbitration proceedings

- How often have you acted in a different function (e.g. Administrative Secretary)? N/A

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

- Monads or Triads: Conflict and Cooperation Among Arbitrators, JurisNet, Huntington, New York, 2016.
- Cooperation Among Arbitrators in International Arbitration, in Indian Journal of Arbitration Law, vol. 5, Issue 1 (2016), at 107-146.
- Internal Conflicts Among Arbitrators in International Arbitration, in Diritto del Commercio Internazionale/The Law of International Trade, 2016, at 47-93.
- The Transnational Procedural Rules for Arbitration and the Risks of Overregulation and Bureaucratization, in ASA Bulletin, vol. 33, n. 2, at 327-342.
- Counsel as Client's First Enemy in Arbitration?, JurisNet, Huntington, New York, 2014.
- Potential Inefficiencies Caused by the Document Production Process in International Arbitration, in Les cahiers de l'arbitrage, n. 2014/2, at 225-242.
- Italy as a Place for International Arbitrations: the Myths of the "Italian torpedo", the "Irritual" Arbitration et alia, in Revue de droit des affaires internationales/International Business Law Journal, 2013, at 159-166.
- What Does "Ethics in Arbitration" Really Mean, in European International Arbitration Review (EIAR), Vol. 1 / No.1, 57-72, 2012 JurisNet.
- International Arbitration as a Public Function: Some Short Considerations, in Revue de droit des affaires internationales/International Business Law Journal, 2012, pp. 319-326.
- The 1980 United Nations Convention on Contracts for the International Sale of Goods and Arbitration, in Revue de droit des affaires internationales/International Business Law Journal, 2012, pp. 193-206.
- Les dynamiques du délibéré dans l'arbitrage : quelques réflexions personnelles, in Revue de droit des affaires internationales/International Business Law Journal, 2011, pp. 219-229.
- Behind the Scenes in International Arbitration, JurisNet, Huntington, New York, 2011.
- Short Practical Notes on Security for Costs in Arbitration, in Les cahiers de l'arbitrage, n. 2011/1, pp. 77-87.
- Dispute Resolution in International Construction Linked Contracts, in Revue de droit des affaires internationales/International Business Law Journal, 2011, pp. 69-83.
- Arbitration Exception and Brussels I Regulation: No Need for Change (with A. Santini), in Revue de droit des affaires internationales/International Business Law Journal, 2009, pp. 741-748.
- The Role of In-House Counsel in International Arbitration, in (2009) 75 Arbitration 468.
- Leveraging the Arbitral Process to Encourage Settlement: Some Practical and Legal Issues, in Revue de droit des affaires internationales/International Business Law Journal, 2009, pp. 487-496.
- Arbitration in international construction contracts: selected practical problems, in Les cahiers de l'arbitrage, n. 2008/4, pp. 13-22.

- The International Arbitration Clause: Essential and Optional Elements – An Update, in *Revue de droit des affaires internationales/International Business Law Journal*, 2004, p. 577 et seq.
- *Internet et commerce électronique en droit international des affaires*, Recueil des cours de l'Académie de droit international de La Haye, tome 314 (2005).
- *Breach and Adaptation of International Contracts. An Introduction to Lex Mercatoria*, Butterworth (USA), 1992 (with R. LAKE and V. NANDA)
- *Letters of Intent and Other Precontractual Documents. Comparative Analysis and Forms*, Butterworths, USA, 1990 e 1994 (Second edition) (with R. LAKE)
- *Contrats internationaux - Pathologie et Remèdes*, Bruylant, Bruxelles, 1996 (with R. LAKE).
- *Les clauses de Force Majeure et de Hardship dans les contrats internationaux*, in *Revue de droit des affaires internationales/International Business Law Journal*, 2002, p. 347 et seq.

Speaker at about 30 seminars/conferences on arbitration around the world

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

- Member of the ICC Institute of World Business Law.
- Member of the ICC Commission on Arbitration and ADR.
- Member of the Arbitration Chamber of the Italian Anti-corruption Authority.
- Member of the Club of Arbitrators, c/o the Milan Arbitration Chamber.
- Included in the arbitrators' panel of DIAC (Dubai International Arbitration Center).
- Included in the arbitrators' panel of VIAC (Vienna International Arbitration Center).
- Included in the arbitrators' panel of KLRCA (Kuala Lumpur Regional Centre for Arbitration).
- Member of the Scientific Committee of the Italian Arbitration Association (AIA).
- Member of the Scientific Committee of ISDACI (Institute for the Study of Arbitration and International Trade Law), at the Chamber of Commerce of Milan.
- Co-founder and co-editor of the review "Diritto del Commercio Internazionale".
- Member of the Scientific Committee of the *Revue de droit des affaires internationales/International Business Law Journal*, published by Sweet & Maxwell.
- Corporate Counsel Advisory Editor of the *European International Arbitration Review*, published by JurisNet.

9. Languages

Mother tongue: **Italian**

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): **English, French**

10. In which legal system have you trained?

Civil law

11. What is your main jurisdiction of practice?

I have practiced in several civil law and common law jurisdictions

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

Construction contracts

M&A Contracts

International Sale Agreements

13. Date of birth: January 1, 1939

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

July 17, 2017