

VIAC – Questionnaire for Arbitrators

1. Name:

Markus P. Fellner

2. Citizenship:

Austria

3. Contact information:

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4. Current position:

Partner and Head of Dispute Resolution at Saxinger, Chalupsky & Partner Rechtsanwälte GmbH

5. Education:

1994: Master of Laws (Mag.iur.) – University of Vienna

1996: Mater of Laws (LL.M.) with merit – University of London – Queen Mary

2001: Admission to the Vienna Bar Association

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
14 domestic / 49 international VIAC; ICC; UNCITRAL; DIS; arbitration court of the Bremen cotton exchange; arbitration court of the Vienna stock exchange for agricultural products; ad hoc
- How often have you acted as Chairman?
2 times
- How often have you acted as Sole Arbitrator?
6 times
- How often have you acted as Co-Arbitrator?
5 times
- How often have you acted as Counsel?
47 times

- How often have you acted in a different function (e.g. Administrative Secretary)?
1 time (party appointed expert)

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

Publications:

- *Fellner/Biermayer*, Zeugenvorbereitung nach dem ICC Bericht „The Accuracy of Fact Witness Memory in International Arbitration“, in *Reidlinger/Fischer/Burtscher*, Aktuelle Praxisthemen im Unternehmensrecht und im Schiedsverfahren, GesRZ-Spezial 2022, 16
- *Fellner/Gappmayer*, Österreichisches Außenwirtschaftsrecht, 2016, Kitzler Verlag
- *Fellner/Leitner*, Missbraucht Österreich ein Monopol? Die Presse 6.6.2011, 16
- *Markus P. Fellner*, Glosse zu 3 Ob 25/10p, ecolex 2010, 767
- *Markus P. Fellner/Patrizia Netal*, Is Austria fit for Adjudication?, in Klausegger [et al.] (Hrsg.), Austrian Arbitration Yearbook 2010, Wien 2010
- *Markus P. Fellner*, „Mitternachtsklauseln“ Wann sind Schiedsvereinbarungen sinnvoll?, Leadership, Wirtschaftsforum der Führungskräfte 4-2009
- *Markus P. Fellner*; Parallelimporte, in Straberger, EU-Recht – Handbuch für die österreichische Rechtspraxis, WEKA-VERLAG
- *Markus P. Fellner*, Das neue Österreichische Schiedsrecht, Neuerungen durch das SchiedsRÄG 2006 im Überblick sowie durch das HRÄG im Besonderen, N & V, 2007, 10
- *Markus P. Fellner*, Neuer Leitfaden für Kronzeugen, Wirtschaftsblatt 22.2.2007, 23
- *Markus P. Fellner*, Vorbereitung auf Dawn Raids, Wirtschaftsblatt 4.1.2007, 19
- *Markus P. Fellner*, Fairness beim Hüten des Wettbewerbs, Die Presse 4.7.2005, Rechtspanorama, 6
- *Markus P. Fellner / Alexander Grunicke*, Kartellgesetz 2005 und Wettbewerbsgesetznovelle 2005 – Teil 2, RdW 2005 / 606, S. 529
- *Markus P. Fellner / Alexander Grunicke*, Kartellgesetz 2005 und Wettbewerbsgesetznovelle 2005 – Teil 1, RdW 2005 / 534, S. 462
- *Markus P. Fellner*, Legal proceedings costs in Austria in Legal proceedings costs in Europe, 2004
- *Markus P. Fellner*, Level Playing Field im EG-Wettbewerbsrecht, Anwalt aktuell, Juli 2003, 10
- *Markus P. Fellner / Robert Domes*, Kronzeugen im Kampf gegen Kartelle können mit Straffreiheit rechnen, Die Presse 25.2.2002, Rechtspanorama, 6
- *Markus P. Fellner / Robert Domes*, Neu „Bagatellbekanntmachung“ der europäischen Kommission, RdW 2002 / 339

Teaching:

- Austrian Arbitration Academy (Summer School, University of Vienna) (2014, 2015)

Others:

- Regular lectures on international commercial arbitration law, antitrust, customs law and foreign trade law

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

Listed on the roster of following Arbitration Institutions:

- International Arbitral Centre of the Austrian Federal Economic Chamber
- Court of Arbitration of the Vienna Bar Association

Professional memberships:

- National Advisory Board of VIAC
- VIAC Committees Construction Disputes and Sanctions
- ICC Commission on Arbitration and ADR
- ICC Commission on Competition's Cartels & Leniency Task Force, Task Force Court proceedings in Antitrust Damages Claims
- International Bar Association – member of the IBA Arbitration Committee
- Austrian Arbitration Association (ArbAut)
- Arbitrator at the Willem C. Vis International Commercial Arbitration Moot Court since 2002
- Dispute Review Board Foundation (DRBF)
- German Institution for Arbitration (DIS)
- Swiss Arbitration Association (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 and English*

10. In which legal systems have you trained?

- Civil Law Common Law
 Austrian Law Hungarian Law Swiss Law
 Czech Law Polish Law Ukrainian Law
 German Law Slovakian Law European Law

Other _____

11. What is your main jurisdiction of practice?

Austria, Germany, Switzerland, Czech Republic

12. In which jurisdictions are you admitted to the bar?

Austria

13. Special expertise or specializations (please list a maximum of five):

- Antitrust/Unfair competition Damages Insolvency Power plants
 Aviation Distribution Insurance Private Intern. Law
 Banking & Finance Domain name disputes Intellect. property (IP) Public Intern. Law
 Capital markets Employment ISDS/ Foreign invest. Real estate
 CISG Energy Joint ventures Shipping
 Civil fraud disputes Engineering Licensing Sports
 Commercial disp. / transactions Entertainment Life sciences State/Public contracts
 Commodity market Healthcare & Pharmac. Maritime arbitration Technology
 Company/Corporate/M&A Hotel/Gastro./Tour. Media Telecommunication
 Construction Inform. technology (IT) Mining Transport
 Contract law Infrastructure Natural resources

Other: *Foreign Trade and Customs Law*

14. Date of birth:

1 March 1969

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

30.11.2023

Date