

VIAC – Questionnaire for Arbitrators

1. **Name:** Duarte G. Henriques

2. **Citizenship:** Portuguese

3. **Contact information:**

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4. **Current position:** Founder / Partner

5. **Education:** Lisbon Law School – University of Lisbon - Portugal

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?
More than 50, domestic and international; Rules – Ad hoc, ICC, LCIA, Uncitral, Lisbon Commercial Arbitration Centre, Arbitrare, Lisbon Arbitration Centre for the Immovable Property, etc.
- How often have you acted as Chairman?
5
- How often have you acted as Sole Arbitrator?
5
- How often have you acted as Co-Arbitrator?
10
- How often have you acted as Counsel?
More than 30
- How often have you acted in a different function (e.g. Administrative Secretary)?
Expert witness - 10

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

Articles

1. Motivation of arbitral awards: a few notes – Young Arbitration Review, July 2013, on-line edition (www.yar.com.pt)

2. Fundamentação de laudos arbitrais no direito português: Algumas notas – Rev. Arb. Med., Vol. 10, No. 39, at 155 (2013)

3. Arbitrability of disputes in computer program rights under the Portuguese Law: General Overview – Romanian Arbitration Journal, year 10, nr. 1, jan-mar 2016, vol. 37, at 22
4. Notas sobre a Arbitrabilidade de Litígios no Âmbito dos Direitos sobre Programas de Computador – THEMIS Revista da Faculdade de Direito da UNL, Ano XII, Nºs24/25, 2013, at. 233-293
5. Asymmetrical arbitration clauses under the Portuguese Law – Young Arbitration Review, October 2013, on-line edition (www.yar.com.pt)
6. Cláusulas Arbitrais Assimétricas: uma perspectiva portuguesa – Rev. Arb. Med., Vol. 11, No. 41, at 45 (2014)
7. A Convenção de Nova Iorque sobre o Reconhecimento e Execução de Sentenças Arbitrais de 1958 na Jurisprudência Portuguesa (2013)
8. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 in the Portuguese Case Law – Romanian Arbitration Journal, year 8, nr. 4, oct-dec 2014, vol. 32, at 29
9. The Extension of Arbitration Agreements: A "Glimpse" of Connectivity ASA Bulletin, Volume 32, No. 1, 2014, p. 18.
10. Dealing with the "BUTs" of "BATs" within the Portuguese jurisdiction, - Young Arbitration Review, April 2014, on-line edition (www.yar.com.pt)
11. A extensão da convenção de arbitragem no quadro dos grupos de empresas e da assunção de dívidas: um vislumbre de conectividade, Revista da Ordem dos Advogados, year 74, nr. 1, jan-mar 2014, at. 141-179.
12. Lidando com os BUTs dos BATs no direito português, Rev. Arb. Med., Vol. 11, No. 42, at 213 (2014).
13. I Will Not Go That Way: What The International Public Policy Of The Portuguese State Is Not, in MEALEY'S International Arbitration Report Vol. 30, #2 February 2015
14. Pathological arbitration clauses, good faith and the protection of legitimate expectations, Arbitration International 31(2) 349 (2015)
15. Arbitrability Of Copyrights In Portugal, in MEALEY'S International Arbitration Report Vol. 30, #5 May 2015
16. Arbitraje de Disputas Tributarias en Portugal Y Reflexiones Sobre Su Posible Implantación en España, Spain Arbitration Review, No. 23/2015, at 95
17. Arbitration in Portugal, in Practical Law - Thomson Reuters, July 2015
18. The role of good faith in arbitration: are arbitrators and arbitral institutions bound to act in good faith?, in 33 ASA BULLETIN 3/2015 (SEPTEMBER)
19. Regras para Nomeação de Árbitros. O exemplo do Centro de Arbitragem Comercial da Câmara de Comércio e Indústria Portuguesa, with José-Miguel Júdeice, Revista de Arbitragem e Mediação, vol. 46, ano 12, p. 241-254, São Paulo, Ed. RT, jul-set 2015
20. "Third Party Funding" ou o Financiamento de Litígios por Terceiros em Portugal" – Revista do Ordem dos Advogados" III/IV 2015
21. Arbitration in Swaps: the Portuguese experience, with Prof. Paula Costa e Silva, Arbitration International, 2016, 0, 1–25 -- doi: 10.1093/arbint/aiv014

22. "Arbitral awards modifying arbitral awards? The principle of "equilibrium" of arbitral awards"- European International Arbitration Review, Vol. 4:2

23. "Tax Arbitration in Portugal", with Dr. Werner Muller - Schieds VZ 2016, November

24. "Third Party Funding: a Protected Investment?", forthcoming

25. "Third-Party Funding : In Search of a Definition", forthcoming

Practical Notes

1. Enforcing arbitral awards in Portugal

2. State immunity and arbitration in Portugal

3. Interim remedies in support of arbitration in Portugal

4. The IBA Guidelines on Conflicts of Interest: Portuguese courts differ

Contributions - Blog Posts

Kluwer Arbitration Blog

1. Incorporating IBA Guidelines Into A "Code of Ethics": A Step Too Far?

2. Bilateral Arbitration Treaties: A Few "Bits" More and No "Buts" Within the Portuguese Jurisdiction

3. National Mandatory Rules and International Public Policy: The Status of the Agent's Goodwill Compensation in Portugal?

4. Get Rid of the Presiding Arbitrator?

5. ArbWorld – Good Faith: The "LCIA Rules 2.0" Hidden Feature

6. The Extension of the Arbitration Clause: Update from Portugal

7. Swaps in Portugal: A Case for Arbitration

8. The Essar v. Norscot Case: A Final Argument for the 'Full-Disclosure-Wingers' of TPF in International Arbitration

9. Financial Institutions and International Arbitration – Asset Management, with Henri-Paul Lemaitre

10. Again the "Incorporation" of the IBA Guidelines into a Code of Ethics: an "Investment in Virtue"?

11. The International Public Policy of the Portuguese State: A Matter of Value?

EFILA Blog

1. Third Party Funders: Game-Changers or Business as Usual? MORE]

2. Transnational Court of Investment Arbitration

3. Is Third Party Funding a Relevant "Investment" for the Purposes of a IIA Protection?

Participation in ASA Practice Seminar and numerous other congresses, including the Vienna Arbitration Days and the Vis Moot Court.

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

Memberships

Portuguese Arbitration Association (since 1990 - professional licence nr. 8830L)

London Court of International Association European Users' Council

International Bar Association

ICCA - International Council for Commercial Arbitration

International Arbitration Institute – Paris

ASA - Swiss Arbitration Association

Toronto Commercial Arbitration Society

Brazilian Committee of Arbitration

German Institution of Arbitration (DIS) - Deutsche Institution für Schiedsgerichtsbarkeit e.V. (DIS)

Association for Domestic and International Arbitration (AFA – Paris)

Russian Arbitration Association

Arbitral Institutions Listings

VIAC

China International Economic and Trade Arbitration Commission (CIETAC)

Singapore International Arbitration Centre (reserve panel)

Hong Kong International Arbitration Centre (HKIAC) - Panel of Arbitrators for Intellectual Property Disputes

Hong Kong International Arbitration Centre (HKIAC)

Korean Commercial Arbitration Board

Silicon Valley Arbitration and Mediation Centre

International Distribution Institute

Permanent Arbitration Court at the Croatian Chamber of Economy

WIPO List of Arbitrators

Kuala Lumpur Regional Centre for Arbitration (KLRC)

British Columbia International Commercial Arbitration Centre

Arbitral Tribunal of the International Film and Television Alliance (IFTA)

Arbitrare (Arbitration Centre for trademarks, patents, .pt domain names, corporate names, generic drugs) (Lisbon, Portugal)

Commissions & Task Forces

ICC Commission on Arbitration and ADR

Task Force on Third-Party Funding in International Arbitration ICCA (International Council for Commercial Arbitration) and QUML (Queen Mary University of London)

Task Force on Financial Institutions and International Arbitration (ICC Paris)

Task Force on "The Revision of the Rules of ICC as Appointing Authority in UNCITRAL or other Ad Hoc Arbitration Proceedings" (ICC Paris)

Arbitration Committee of ICC Portugal

9. Languages

Mother tongue: **Portuguese**

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, Spanish**

10. In which legal system have you trained?

11. What is your main jurisdiction of practice?

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

13. Date of birth:

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

10 July 2017