

# VIAC – Questionnaire for Arbitrators

1. Name: Dr. Michael Nueber, LL.M. (UCL)

2. Citizenship: Austria

3. Contact information:

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4. Current position:

Partner

5. Education:

Mag. iur. (Master's degree), University of Vienna, 2009

Dr. iur. (PhD), University of Vienna 2012

LL.M., University college London, 2017

6. Practiced experience in arbitration

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

Approximately 30 under ICC-, ICSID Convention-, LCIA-, Vienna and UNCITRAL Arbitration Rules, LIS-Rules; several ad-hoc arbitrations

- How often have you acted as Chairman?

- How often have you acted as Sole Arbitrator?

2

- How often have you acted as Co-Arbitrator?

-4

- How often have you acted as Counsel?

- More than 20 times

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

2 times

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

- Books:

1. Transnationales Handelsrecht (Jan Sramek; 2013)
2. Dispute Resolution in Austria (Wolters Kluwer; 2015, co-author, editor)
3. Privatautonomie und ihre Grenzen im Wandel (Verlag Österreich; 2015, co-editor)
4. Konfliktlösung in Privatstiftungen (Verlag Österreich; 2019, co-editor)
5. ZPO Schiedsverfahren – Taschenkommentar (LexisNexis, 2019)
6. Private Client Arbitration (Linde; 2020, co-editor)
7. Handbuch Schiedsgerichtsbarkeit und ADR (LexisNexis; 2021, editor and author)

- Articles:

8. E-Mail (k)eine Urkunde?!, RdW 61 (2009) (co-author).
9. Schiedsvereinbarungen mit Verbrauchern im GmbH-Recht, Zak 70 (2010) (co-author).
10. (Gemeinschafts-)rechtswidrig und überholt – das GebG im Jahr 2010, RdW 471 (2010) (co-author).
11. VwGH: Auch nicht ausgedrucktes E-Mail ist eine "Urkunde" iSd GebG! Kritische Anmerkung, RdW 186 (2011) (co-author).
12. Interaktive Anleitung zum rechtswissenschaftlichen Arbeiten. Das rWA-Projekt der WU, in EUROPÄISCHE PROJEKTKULTUR ALS BEITRAG ZUR RATIONALISIERUNG DES RECHTS 411 (co-author) (Schweighofer, ed, Manz, 2011).
13. Schiedsfähigkeit stiftungsrechtlicher Streitigkeiten, 1 PSR 10 (2012).

14. Gesellschafter als Verbraucher im Schiedsverfahren – Zugleich eine Besprechung von OGH, 19.04.2012, 6 Ob 42/12p, 5 Aufsichtsrat Aktuell 20 (2012).
15. Neue Entwicklungen und grenzüberschreitende Rechtsdurchsetzung durch Schiedsgerichte im Stiftungsrecht, PSR 193 (2012).
16. Die Privatstiftung als Partei in Verfahren vor "österreichischen" Schiedsgerichten, GesRZ 339 (2012).
17. Lex Mercatoria und internationales Schiedsverfahren, in INTERNATIONALE DIMENSIONEN DES WIRTSCHAFTSRECHTS. BEITRÄGE AUS SICHT VERSCHIEDENER RECHTSDISZIPLINEN UND RECHTSORDNUNGEN 267 (Kathrin Binder & Florian Eichel, eds., Nomos 2013).
18. Neues zum rechtlichen Gehör im Schiedsverfahren, wbl 130 (2013).
19. OGH als einzige Instanz in Verfahren zur Aufhebung von Schiedssprüchen (rechts-)politisch möglich?, ZfRV 73 (2013).
20. Schiedssprüche aus erstinstanzlicher Sicht, RZ 168 (2013) (co-author).
21. Institutionelle Schiedsgerichtsbarkeit am Schiedsort Wien, in LIBER AMICORUM HELLWIG TORGLER 451 (Hannes Fritz, et al., eds., Verlag Österreich, 2013) (co-author).
22. Schiedsverfahren von Todes wegen – Gedanken zur testamentarischen Schiedsklausel, 4 JEV 118 (2013).
23. Arbitration in Austria: Recent Developments, 1 Romanian Arbitration Journal, 27 (2014) (co-author).
24. Schiedsgerichtsbarkeit und Europarecht – eine Friktion?, 1 ecolex 31 (2014).
25. Decisions of the Austrian Supreme Court on Arbitration in 2012 and 2013, in AUSTRIAN YEARBOOK ON INTERNATIONAL ARBITRATION 2014, 243 (co-author) (Klausegger et al., eds., Manz, 2014).
26. OGH, 16.12.2013, 6 Ob 43/13m: Cui Bono?, 4 wbl 194 (2014)
27. Art 267 AEUV und die Schiedsgerichtsbarkeit, in DAS VORABENTSCHEIDUNGSVERFAHREN IN DER ZIVILGERICHTSBARKEIT 212 (Selena Calvora & Thomas Graber, eds, NWV, 2014).
28. Nochmals: Schiedsgerichtsbarkeit ist nicht vom Anwendungsbereich der ROM I-VO erfasst, 4 SchiedsVZ 186 (2014).
29. Corruption in international Commercial Arbitration, in 9 AUSTRIAN YEARBOOK ON INTERNATIONAL COMMERCIAL ARBITRATION 2015, 3 (Klausegger et al, eds, Manz, 2015).
30. Ausgewählte unionsrechtliche Aspekte im Zusammenhang mit der privaten internationalen Schiedsgerichtsbarkeit, in INTERNATIONALES WIRTSCHAFTSRECHT 47 (Krauskopf & Babey, ed, Nomos, 2015).
31. Current Trends in Arbitration in Austria, ADR Quartalnik 2015, 39 (co-author).
32. Chapter on Austria, in INTERNATIONAL COMMERCIAL ARBITRATION: PRACTITIONER'S GUIDE (co-author) (Balthasar ed, C.H. Beck – Hart – Nomos, 2016).
33. Kartellrechtswidrigkeit von Schiedsvereinbarungen, ecolex 2016/8.

34. Schiedsvereinbarungen nach dem Europäischen Schiedsübereinkommen (EuÜ), in Czernich/Geimer, Streibeilegungsklauseln im internationalen Vertragsrecht (2017)
35. Zur Bindungswirkung von Strafurteilen im Schiedsverfahren, *ecolex* 2018/1 (co-author)
36. Neues zum Informationsanspruch von Begünstigten einer liechtensteinischen Stiftung, *PSR* 2018/1 (co-author)
37. Die Vollstreckung ausländischer Schiedssprüche in Liechtenstein, *LJZ* 2018/4
38. Arbitration of Foundation and Trust Disputes in Liechtenstein, in Klausegger et al, *Austrian Yearbook on International Arbitration* 2018, 25 (co-author)
39. Arbitration of foundation and trust disputes in Liechtenstein and the United Kingdom, *Trusts & Trustees* 2018/5 (co-author)
40. New means to remove trustees in Liechtenstein, *Trust & Trustees*, 2018/9 (co-author)
41. Letztwillige Schiedsverfahren, in Gruber/Kalss/Müller/Schauer, *Erbrecht und Vermögensnachfolge* 2018, 857
42. Streitigkeiten mit Stiftungen und Trusts – Schiedsgerichtsbarkeit eine Alternative?, in Deixler-Hübner/Schauer, *Vermögensplanung – national und international*, 2019

- Online Publications

43. Amendments to Austrian Arbitration Law abbreviate the proceedings to challenge an arbitral award, *Kluwer Arbitration Blog*, October 2013
44. Vienna International Arbitral Centre's (VIAC) New Arbitration Rules (co-author), *Kluwer Arbitration Blog*, November 2013
45. Practice Notes to the Vienna Rules, *Lexis®PSL Arbitration UK*, 2016
46. VIAC now competent to administer domestic arbitration *Lexis®PSL Arbitration UK*, August 2017

- Remarks on decisions of the Austrian Supreme Court and Arbitral Awards

47. Remarks on Austrian Supreme court, 16 Sep 2011, docket no. 9 ObA 105/10x (sales agent's rights for compensation), *ÖJZ* 15 (2012).
48. Remarks on Austrian Supreme Court, 28 Nov 2012, docket no. 4 Ob 185/12b (Claim to set aside an arbitral award based on the purported violation of a party's right to be heard), *wbl* 288 (2013).
49. Remarks on Austrian Supreme Court, 24 Jan 2013, docket no. 2 Ob 206/12a (Claim to set aside an arbitral award based on purported violation of the European *ordre public*), *ecolex* 795 (2013).
50. Annotations to Arbitral Awards re Extension of Arbitration Agreements of Shareholders & Applicable Law in Arbitration, in *Selected Arbitral Awards, Volume 1*, 473 et seq (Austrian Federal Economic Chamber, 2015) (co-author)

- Expert Contributor for Austrian and Liechtenstein arbitration law at Lexis®PSL Arbitration UK ([lexisweb.co.uk/users/michaelnueber](http://lexisweb.co.uk/users/michaelnueber))
- Regular speaker at conferences and workshops

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

**Selection:**

Arbitration Austria (ArbAUT)

Liechtenstein Arbitration Association

Serbian Arbitration Association

German Arbitration Association

Swiss Arbitration Association

**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): English

**10. In which legal systems have you trained?**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Civil Law    | <input type="checkbox"/> Common Law                             |  |
| <input checked="" type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law                          | <input type="checkbox"/> Swiss Law               |
| <input type="checkbox"/> Czech Law               | <input type="checkbox"/> Polish Law                             | <input type="checkbox"/> Ukrainian Law           |
| <input type="checkbox"/> German Law              | <input type="checkbox"/> Slovakian Law <input type="checkbox"/> | <input checked="" type="checkbox"/> European Law |

Other: Liechtenstein law

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

Austria and Liechtenstein

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

Austria and Liechtenstein

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

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

Other:

**Asset- and Estate Planning**

**Foundation- and Trust Disputes**

**Competition- and Energy Law**

**14. Date of birth:** 2 April 1986

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".

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

X 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](mailto: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>.

25 June 2021  
Date