

# VIAC – Questionnaire for Arbitrators

1. **Name:** Dr. Petra Rihar

2. **Citizenship:** Slovenian, Swiss

3. **Contact information:**

Address: Morad, Bürgi & Partner, Lindenstrasse 38, CH-8008 Zurich  
Telephone: +41 44 380 34 60  
Fax: +41 44 380 34 61  
E-Mail: rihar@mb-law.ch  
Website: www.mb-law.ch  
LinkedIn: www.linkedin.com/in/dr-petra-rihar-3b4351b/

4. **Current position:**

Attorney-at-law with focus on dispute resolution (Partner at Morad, Bürgi & Partner)

5. **Education:**

Dr. iur., University of Lucerne, 2006 (*magna cum laude*)

LL.M., Columbia Law School, 2006

Lic. iur., University of Zurich, 2000 (*magna cum laude*)

Bar admission (all Swiss courts), 2004

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?  
Over 30 arbitrations; ICC, UNCITRAL, Swiss Rules, VIAC, ad hoc, Konkordat vom 27. März 1969 über die Schiedsgerichtsbarkeit, Pravilnik o arbitražnem postopku pred Stalno arbitražo pri Gospodarski zbornici Slovenije
- How often have you acted as Chairman? None
- How often have you acted as Sole Arbitrator? Over 10 times
- How often have you acted as Co-Arbitrator? 3 times
- How often have you acted as Counsel? Over 10 times
- How often have you acted in a different function (e.g. Administrative Secretary)? Over 10 times

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

Co-author of various articles on Swiss arbitration law and decisions of the Swiss Federal Supreme Court published on Kluwer Arbitration Blog and Practical Law Arbitration:

- The right to a tribunal appointed expert (9 Aug 2011)
- Swiss Federal Supreme Court Denies the Applicability of an Arbitration Clause in the Articles of Association to Liability Claims Against Board of Directors of an Insolvent Company (7 July 2010)

- The Swiss Federal Court Dismisses Two Appeals Concerning the Constitution of an Arbitral Tribunal (7 July 2010)
- The Swiss Federal Court Confirms an Award Granting Damages for the Violation of an Arbitration Clause (7 July 2010)
- New Rules on Domestic Arbitration and Their Relation to the Rules Governing International Arbitration in Switzerland (19 Feb 2010)
- Piercing the Corporate Veil – Effect on the Arbitration Clause and Jurisdiction (24 Nov 2009)
- A decision based on a written submission of a third party does not violate the right to be heard if the parties to the proceedings had enough time to comment on it (15 Oct 2009)
- Right to be heard not violated by arbitrator's refusal to hear witness whose evidence anticipated to be irrelevant (2 May 2012)
- Supreme Court finds that right to appointment of expert by arbitral tribunal was not violated as request was made out of time and not in proper form (4 Aug 2011)
- Swiss Supreme Court dismisses appeal to set aside CAS award for lack of jurisdiction (30 Jun 2011)
- Swiss Federal Supreme Court dismisses appeal to set aside decision of the FEI Tribunal and CAS award (30 Sep 2010)
- Swiss Federal Supreme Court dismisses an appeal to set aside a CAS award (31 Aug 2010)
- Swiss Federal Supreme Court is bound by factual findings of lower courts (13 Aug 2010)
- Swiss Federal Supreme Court dismisses appeal without examining the merits where the party filing the appeal declined to pay advance on costs (4 Aug 2010)
- Directors cannot rely on arbitration clause in articles of association of an insolvent company for liability claims by company's creditors (30 Jun 2010)
- Swiss Federal Supreme Court dismisses two appeals concerning the (irregular) constitution of an arbitral tribunal (5 May 2010)
- Swiss Federal Supreme Court confirms award granting damages in principle for breach of an arbitration clause (5 May 2010)
- Switzerland: anticipated arbitration developments of 2010 (4 Feb 2010)
- Switzerland: important arbitration developments of 2009 (16 Dec 2009)
- Court of Arbitration for Sport amends its rules (5 Nov 2009)
- Effect on arbitration agreement of piercing the corporate veil (2 Oct 2009)
- Swiss Federal Supreme Court holds right to be heard not violated (3 Sep 2009)
- Law firm providing services to an arbitral tribunal is exempt from VAT (3 Sep 2009)
- Ongoing international arbitration discontinued vis-a-vis insolvent co-respondent (13 Aug 2009)
- Award based on matters not directly addressed in submissions does not violate the right to be heard (12 Aug 2009)

Petra Rihar, *Das Einzelunternehmen im Schweizer Privatrecht* (The Sole Proprietorship under Swiss law), Zurich 2007 (Luzerner Beiträge zur Rechtswissenschaft, Band 17)

Petra Rihar, *Obseg varstva pravic blagovnih in storitvenih znamk* (The Scope of Protection of Trade and Service Marks under Swiss and Slovene Law), 11 *Pravnik* 717 (1997)

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

Swiss Arbitration Association, Serbian Arbitration Association, Cour Européenne d'Arbitrage, Chamber of Commerce Switzerland-Central Europe, Zurich and Swiss Bar Associations

**9. Languages**

Mother tongue:

Slovenian

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, Slovenian Croatian, Serbian, Bosnian, Montenegrin

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

Swiss, US

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

Switzerland, Slovenia and other countries of former Yugoslavia

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

- Investor-state disputes
- Sales / agency / distribution (goods, services)
- Technology and know-how transfer (licensing, maintenance, support)

**13. Date of birth:**

28 June 1974

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

20 July 2018